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United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/113. It covers the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in 2010.

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I. Introduction

1. By its resolution 64/113, the General Assembly authorized the Secretary-General to carry out in 2010 and 2011 the activities specified in the report on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law submitted to it at its sixty-fourth session (A/64/495). In paragraph 22 of resolution 64/113, the General Assembly requested the Secretary-General to report to it at its sixty-fifth session on the implementation of the Programme during 2010.

2. The present report covers the implementation of the Programme of Assistance in 2010 in accordance with the guidelines and recommendations contained in the report of the Secretary-General to the General Assembly at its sixty-fourth session. The report gives an account of the activities performed by the Office of Legal Affairs of the United Nations and of those in which it has participated under the Programme.

II. Implementation of the Programme of Assistance during 2010

A. Office of Legal Affairs

3. The activities of the Office of Legal Affairs are reflected in the Internet page on international law (http://www.un.org/law). The websites of the Office referred to in the present report, as listed in the annex, may be accessed through that web page.

4. As in previous years, the Office of Legal Affairs received and assigned interns and externs to participate in the work of its divisions. The Office selects the individuals for these positions, arranges for the duration and type of their training and assigns them to projects, taking into account the needs of the Office as well as their particular interests and qualifications. The Codification Division of the Office of Legal Affairs also received and assigned post-graduate research assistants to participate in its work. Furthermore, the Codification Division cooperates with academic institutions in the preparation of studies of the *Repertory of Practice of United Nations Organs* (A/65/214). Interns, externs and research assistants bear all their own financial expenses.

1. Codification Division

(a) Activities

5. The Codification Division is responsible for the implementation of the Programme of Assistance. The Division performs various functions, such as the preparation of the reports of the Secretary-General and servicing the Advisory Committee and the Sixth Committee on the related agenda item. It also maintains the website on the Programme of Assistance.

International Law Fellowship Programme

6. The International Law Fellowship Programme provides the most comprehensive international law training for lawyers from developing countries under the Programme of Assistance. The fellows attend courses at The Hague Academy of International Law and special seminars organized by the Codification

Division which cover a broad range of subjects of international law. Study visits are also arranged for the participants.

7. The International Law Fellowship Programme was held in The Hague from 5 July to 13 August 2010.[1] A total of 19 fellows (10 men and 9 women) as well as two self-funded participants (women) attended the Programme.[2]

8. The Hague Academy lectures included: "Idealism and the study of international law" (B. Oxman, Professor, University of Miami); "Teaching international law: an attempt at inductive narration" (L. Condorelli, Professor, University of Florence); "The non-discrimination rules of the World Trade Organization" (W. J. Davey, Professor Emeritus, University of Illinois); "Radiating impact of WTO on its members' legal system: the Chinese perspective" (G. Wang, Professor, City University of Hong Kong); "Democracy and justice in post-conflict societies: the international law framework" (H. Charlesworth, Professor, Australian National University, Canberra); "The independence of international judges" (J. Malenovsky, Judge, Court of Justice of the European Communities); "The Organization of American States and international law" (J.-M. Arrighi, Secretary of Legal Affairs, Organization of American States); and "Evolving international framework for oil and gas investments" (R. Dolzer, Professor, University of Bonn).

9. The special seminars organized by the Codification Division included: "Competences of the State in international law" (M. Kohen, Professor, Graduate Institute of International and Development Studies, Geneva); "Treaty law" (O. Corten, Professor, Université Libre de Bruxelles, Brussels); "International settlement of disputes" (M. Bennouna, Judge, International Court of Justice); "International humanitarian law" (T. De Saint Maurice, International Committee of the Red Cross); "Law of the sea" (J.-P. Cot, Judge, International Tribunal for the Law of the Sea and Emeritus Professor, University of Paris-I); "The international protection of human rights" (W. Schabas, Professor, National University of Ireland and Director of the Irish Centre for Human Rights); "International criminal law" (R. Maison, Professor, University of Paris 11 — Sud); "International environmental law" (L. Boisson de Chazournes, Professor, University of Geneva); and "International trade law" (H. Ruiz-Fabri, Professor, University of Paris 1 — Panthéon-Sorbonne and Director of the Institute of Comparative Studies of Paris). The fellows also attended seminars on the "Relationship between international law and domestic law" and "The work of the International Law Commission" (P. Bodeau-Livinec, Legal Officer, Codification Division, Office of Legal Affairs) and "Researching international law" (H. Dreifeldt Lainé, Legal Officer, Codification Division, Office of Legal Affairs).

10. Study visits were arranged for the fellows to the International Court of Justice, the Permanent Court of Arbitration, the International Criminal Court and the Organization for the Prohibition of Chemical Weapons.

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[1] The Fellowship Programme was conducted in French in 2010 and will be conducted in English in 2011.

[2] A total of 231 applications from 59 countries were received. The 19 fellows were selected from the following countries: Burkina Faso, Burundi, Cameroon, Chile, Comoros, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Ecuador, Indonesia, Namibia, Niger, Qatar, Russian Federation, Senegal, Sudan, Togo, Ukraine and Viet Nam. The two self-funded participants were selected from Australia and the Czech Republic.

11. The General Assembly authorized the Secretary-General to award a number of fellowships to be determined in the light of the overall resources for the Programme of Assistance and to be awarded to qualified candidates from developing countries nominated by Governments, or academic and other institutions to attend the International Law Fellowship Programme in 2010 in accordance with paragraph 2 (a) of resolution 64/113.

12. In recent years, the number of fellowships provided by the regular budget has decreased due to increasing costs, combined with a zero growth budget. Moreover, the funding for this Programme was reduced for the biennium 2010-2011 (see para. 47 below). Consequently, the Codification Division reviewed the costs associated with the Fellowship Programme with the aim of identifying cost-saving measures that could be undertaken to increase the number of fellowships without jeopardizing the high quality and the comprehensive nature of the training programme (A/64/495, para. 7). This review indicated that significant cost savings could be achieved by no longer requesting the assistance of the United Nations Institute for Training and Research (UNITAR) in the administration of the Fellowship Programme. Accordingly, the Codification Division conducted the Fellowship Programme in 2010 without the assistance of UNITAR as a necessary cost-saving measure to increase the number of fellowships. As a result, the funds provided by the regular budget were sufficient to award 19 fellowships in 2010, compared with 12 in 2009.

13. In order to achieve further cost savings, the Codification Division invited universities, institutions and organizations as well as individuals to make voluntary contributions (financial and in kind) and otherwise to assist in the implementation of the Fellowship Programme in accordance with paragraph 19 of resolution 64/113. The Hague Academy of International Law continued to provide essential support for the Fellowship Programme by charging a reduced tuition rate for the United Nations fellows and by providing a seminar room free of charge. The Registry of the International Court of Justice also provided assistance and made facilities available for this Programme. The Grotius Centre for International Legal Studies of Leiden University has indicated its willingness to support the Fellowship Programme by providing facilities and resources, as needed. Finally, the International Committee of the Red Cross assumed all costs related to their lecturer's participation in the Programme.

Regional courses

14. The Codification Division is responsible for organizing regional courses in international law. These regional courses provide high-quality training by leading scholars and practitioners on a broad range of core subjects of international law, as well as specific subjects of particular interest to developing countries in a given region. The regional courses provide an important mechanism for expanding the international law training opportunities available to young lawyers from developing countries under the Programme of Assistance given the limited number of participants which can be accommodated in the International Law Fellowship Programme. The regional courses also provide an opportunity for the participants to focus on contemporary issues of international law of common concern in the region with a view to promoting greater understanding and cooperation on such issues.

15. Despite the increasing demand for international law training, no regional courses were held from 2005 to 2010, owing to a lack of financial resources and of a Member State available to serve as host country.

16. The Codification Division continues to consider options for revitalizing this important training activity, including the possibility of identifying suitable locations for organizing these courses on a regular basis, while reserving the possibility of organizing such a course at another location.

17. A regional course in international law for lawyers from developing countries in Asia will be held in Seoul, from 15 to 26 November 2010.[3] The course will be conducted by the Codification Division, in partnership with Seoul National University, with funding provided by the Korea International Cooperation Agency. A total of 22 participants (11 men and 11 women), as well as participants from the host country, will be in attendance.[4]

18. Course lectures will include: "Introduction to international law" (S. McCaffrey, Professor, McGeorge School of Law, and former member of the International Law Commission); "Law of the sea" (J.-H. Paik, Judge, International Tribunal for the Law of the Sea, and Dean, Graduate School of International Studies, Seoul National University); "International trade law" (G. Wang, Dean and Professor (Chair) of Chinese and Comparative Law, City University of Hong Kong); "International criminal law" (S. Zappalà, Professor of International Law, University of Catania); "State responsibility", "International dispute settlement" and "Rules of international law governing the use of force" (K. Keith, Judge, International Court of Justice); "International environmental law" (L. B. de Chazournes, Professor, University of Geneva); "International human rights law" (N. Ando, former Chair of the Human Rights Committee, Professor Emeritus of Kyoto University and Director of the Kyoto Human Rights Research Institute); "International humanitarian law" (R. Desgagné, International Committee of the Red Cross); and "Researching international law" (H. Dreifeldt Lainé, Legal Officer, Codification Division, Office of Legal Affairs).

19. A regional course in international law will also be held for lawyers from Africa in Addis Ababa in February 2011.

United Nations Audiovisual Library of International Law

20. The Audiovisual Library of International Law was created by the Codification Division in response to the increasing demand for international law training, in terms of both the number of individuals requesting such training and the increasingly broad sectors of national society represented by the lawyers requesting this training. The Audiovisual Library gives the United Nations the capacity to provide high-quality training at a relatively low cost on a global scale. Any individual or institution anywhere in the world may access the Audiovisual Library free of charge via the Internet. As part of its dissemination activities, the Codification Division has made presentations of the Audiovisual Library in China,

[3] The regional course will be conducted in English.

[4] A total of 76 applications were received from 26 States members of the Asian Group as well as two other Member States. The 22 participants were selected from the following countries: Bangladesh, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Kazakhstan, Lebanon, Malaysia, Maldives, Marshall Islands, Nepal, Samoa, Solomon Islands, Sri Lanka, Thailand, Tonga, Tuvalu, Uzbekistan and Viet Nam.

Japan, Mexico, the Netherlands, South Africa, Sweden, Ukraine and the United States of America. It has been accessed in 191 Member States.

21. The Audiovisual Library is a virtual training and research centre with more than 220 faculty members from different countries and legal systems who contribute to its three pillars, namely, the lecture series, the historic archives and the research library.

22. The lecture series contains almost 200 lectures by eminent international law scholars and practitioners on a broad range of subjects of international law. The lectures are recorded in one of the official languages of the United Nations. Twenty lectures have been interpreted into the other official languages. Most of the lecturers travel to New York, at their own expense, to record their lectures. In some instances, recording sessions are organized at other locations to facilitate the participation of lecturers from different countries and legal systems.[5] The Codification Division is responsible for the substantive and technical aspects of the lecture series, including developing its content; practical arrangements with lecturers, interpreters and recording facilities; audio-visual recording and technical editing of the lectures and interpretations; and storage and preservation of audio-visual materials.

23. The historic archives provide a multimedia resource for teaching, studying and researching significant legal instruments adopted under the auspices of the United Nations, including multilateral treaties as well as General Assembly and Security Council resolutions. It contains introductory notes by leading authorities on the instruments, as well as procedural histories, related documents and archival audio-visual materials prepared by the Codification Division. The historic archives contain 48 legal instruments covering the period from 1945 to 2005. Entries for an additional 30 instruments are under preparation.

24. The Codification Division has succeeded in preserving, digitizing and disseminating extensive audio-visual materials relating to the negotiation and adoption of those legal instruments, which constitute a unique educational resource for promoting a better understanding of the role of the United Nations in the progressive development and codification of international law. Regrettably, it has not been possible to do so with all such materials, particularly those relating to the early years of the Organization.

25. The research library provides an extensive online library consisting of: (a) treaties; (b) jurisprudence; (c) publications and documents; and (d) scholarly writings. The Codification Division continues to expand the various components of the research library by identifying relevant materials and obtaining permission, as necessary, for their inclusion, in particular, scholarly writings by the faculty members. W. S. Hein, proprietor of "HeinOnline", continues to provide significant support to the library by digitizing and providing access to such scholarly writings through the research library free of charge.

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[5] These lectures have been recorded at: the United Nations Office at Geneva; the United Nations Educational, Scientific and Cultural Organization, Paris; Columbia University, New York; Georgetown University Law Center, Washington, D.C.; the University of the Pacific, McGeorge School of Law, Sacramento; the Lauterpacht Centre, Cambridge; the City University of Hong Kong; the National University of Singapore; the Seoul National University; the United Nations University, Tokyo; and the International Criminal Tribunal for the Former Yugoslavia, The Hague.

26. As noted during the presentation of the pilot project and the launch of the Audiovisual Library in 2007 and 2008, respectively, the Library, which was created and developed with voluntary contributions, cannot be maintained or further developed based solely on the existing resources of the Codification Division. As indicated in the previous report, a number of Member States expressed the view to the Secretariat that the Audiovisual Library was a core activity of the United Nations which should be placed on a solid foundation for the present and the future by means of funding under the regular budget, and requested that their view be conveyed to the Advisory Committee (A/64/495, para. 27). Support was expressed in the Advisory Committee for consideration of the possibility of such funding for the Audiovisual Library as an important mechanism for expanding international law training on a global scale (ibid., para. 89).

27. The General Assembly, in paragraph 13 of its resolution 64/113, requested the Secretary-General to provide relevant information to the Advisory Committee to facilitate its consideration of the possibility of providing funding under the regular budget for the Audiovisual Library. The following information is provided in response to that request. The Audiovisual Library is currently maintained and further developed with the services of three Professional staff members and one General Service staff member, which are dependent on voluntary contributions, as well as three interns or research assistants. Financial resources are also required to: purchase equipment and supplies; preserve and digitize audiovisual materials; pay for technical training; cover travel and related costs for off-site recordings of lectures; interpret the lectures; and cover travel and related costs for some presentations of the Audiovisual Library.

28. The Codification Division has invited universities, philanthropic foundations, institutions and organizations, as well as individuals, to make voluntary contributions (financial and in kind) and otherwise to assist in the implementation and possible expansion of the Audiovisual Library in accordance with paragraph 19 of resolution 64/113.[6] Member States have provided voluntary contributions to support the Library, which also benefits from extensive in kind contributions. The faculty members contribute their lectures, introductory notes and scholarly writings and cover all related expenses. Apple, Inc., donated computers and software to enable the Codification Division to continue the lecture series following the indication by the Department of Publication Information, in January 2009, that it could no longer make them available for that purpose.

(b) Publications

29. The Codification Division is responsible for the preparation of numerous legal publications. The following publications have been issued since the previous report.

(a) *United Nations Juridical Yearbook*: the 2003 *Yearbook* (Arabic and Russian), and the 2006, 2007, 2008 and 2009 editions of the *Yearbook* (English). The Codification Division is considering the possibility of issuing a special edition of the *Juridical Yearbook* devoted to legal opinions not previously included in the *Yearbook*, which was first published in 1963, to coincide with its fiftieth anniversary, in 2013;

[6] The financial and in kind contributions to the Audiovisual Library are listed on the acknowledgements page of the website.

(b) *Reports of International Arbitral Awards*: volume 26 was issued and volumes 29 and 30 are under preparation;

(c) *Repertory of Practice of United Nations Organs and Repertoire of the Practice of the Security Council*: the Secretariat continued its efforts to reduce the backlog in these publications in accordance with General Assembly resolution 64/115. The status of these publications is set out in the related report of the Secretary-General (A/65/214);

(d) *Yearbook of the International Law Commission*: the 1995 *Yearbook*, volumes I and II (part two) (Chinese); 1998 *Yearbook*, volume II (part I) (Arabic, French and Spanish); 1999 *Yearbook*, volume II (part I) (French and Spanish); 2000 *Yearbook*, volume II (part I) (English and Russian); 2002 *Yearbook*, volume I (English) and volume II (part II) (Spanish); and 2003 *Yearbook*, volume I (Arabic, English and Spanish) and volume II (part I) (Spanish);

(e) *The Work of the International Law Commission*: volume I of the 7th edition was issued in Russian;

(f) *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice*: the Arabic, Chinese, French, Russian and Spanish versions of the third addendum covering the period 2003 to 2007 are under preparation. Beginning in 2009, the Codification Division has been providing advance electronic versions of the summaries of Judgments, advisory opinions and orders delivered by the Court in all the official languages of the United Nations. This ensures the timely dissemination of information concerning the work of the Court and facilitates access to its latest jurisprudence, pending the publication of the fifth volume of the series (covering the period 2008-2012);

(g) *International Instruments related to the Prevention and Suppression of International Terrorism*: the Spanish version of the third edition, prepared in collaboration with the United Nations Office on Drugs and Crime, was issued in late 2009. The Chinese and Russian language versions are under preparation.

(c) Dissemination

30. In 1998, the Codification Division created its first website as a means of expanding the dissemination of information on international law on a global scale via the Internet. The Division currently maintains the following 21 websites relating to the codification and progressive development of international law, the Programme of Assistance and legal publications:

(a) Codification of international law;

(b) Sixth Committee of the General Assembly;

(c) International Law Commission;

(d) Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization;

(e) Ad Hoc Committee on the Criminal Accountability of United Nations Officials and Experts on Mission;

(f) Ad Hoc Committee on the Administration of Justice at the United Nations;

(g) Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;

(h) Ad Hoc Committee on Jurisdictional Immunities of States and Their Property;

(i) Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings;

(j) Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel;

(k) Rome Statute of the International Criminal Court;

(l) Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law;

(m) International Law Fellowship Programme;

(n) Regional courses in international law;

(o) United Nations Audiovisual Library of International Law;

(p) United Nations legal publications portal;

(q) *Repertory of Practice of United Nations Organs*;

(r) *United Nations Juridical Yearbook*;

(s) *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice*;

(t) Diplomatic conferences (official records of proceedings);

(u) *United Nations Reports of International Arbitral Awards*.

31. The websites dedicated to the International Law Fellowship Programme and the regional courses in international law were created in 2010.

32. The dissemination of legal publications and information via the Internet as well as other electronic media is continued in order to supplement the limited numbers of hard copies, without prejudice to the unique value of printed materials for legal research and education, particularly in developing countries.

33. Finally, the Codification Division contributes published United Nations legal opinions to the Global Legal Information Network. The Network is a public database of laws, regulations, judicial decisions and other complementary legal sources contributed by governmental agencies and international organizations, which aims to satisfy the need of governmental organs, during the law-making process, to have knowledge of the laws and regulations of other jurisdictions.

2. Division for Ocean Affairs and the Law of the Sea

(a) Activities

34. Owing to insufficient funding, the twenty-second (2007) Hamilton Shirley Amerasinghe Memorial Fellowship Award (General Assembly resolution 36/79) could not be implemented, and applications in 2008 and 2009 for the Award were not solicited. Member States have been informed of the situation and encouraged to make contributions to continue the Fellowship. In 2010, the twenty-third award was

made possible owing to the agreement of the Legal Counsel, on an exceptional basis, to provide $38,000 from the Trust Fund for the Office of Legal Affairs to Support the Promotion of International Law to the Fellowship Award.

(b) Publications

35. During the period under review, the Division for Ocean Affairs and the Law of the Sea published the *Law of the Sea Bulletin*, Nos. 71 to 73, and the *Law of the Sea Information Circular*, Nos. 30 to 32.

(c) Dissemination

36. The website of the Division provides information on almost all aspects of oceans and the law of the sea, including:

(a) The 1982 United Nations Convention on the Law of the Sea, the 1994 Agreement relating to the implementation of Part XI of the United Nations Convention on the Law of the Sea and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, including documentation related to the Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea, the informal consultations of States parties to the 1995 Fish Stocks Agreement and the Review Conference on the Fish Stocks Agreement;

(b) The agenda item "Oceans and the law of the sea" of the General Assembly, including the Open-ended Informal Consultative Process on Oceans and the Law of the Sea, and documents and information related to the regular process for global reporting on and assessment of the state of the marine environment, including socio-economic aspects;

(c) The Commission on the Limits of the Continental Shelf, the International Seabed Authority and the International Tribunal for the Law of the Sea;

(d) Dispute settlement issues, especially concerning the choice of procedure under article 287 of the 1982 Convention and declarations made under article 298, lists of arbitrators and conciliators and experts;

(e) The Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

(f) Texts of maritime boundary delimitation treaties and of national legislation concerning maritime zones;

(g) Capacity-building and training, including the Hamilton Shirley Amerasinghe Memorial Fellowship, the technical cooperation trust fund established on the basis of an agreement between the United Nations and the Nippon Foundation, and the trust funds related to the Commission on the Limits of the Continental Shelf, the International Tribunal for the Law of the Sea, the consultative process and the TRAIN-SEA-COAST programme;

(h) Extensive lists of documents and publications aimed at a better understanding of the legal regime contained in the 1982 Convention.

3. International Trade Law Division

(a) Activities[7]

37. The activities conducted by the International Trade Law Division of the Office of Legal Affairs, in connection with the Programme of Assistance, are designed primarily to promote the harmonization and unification of international trade law by disseminating information on the texts resulting from the work of the United Nations Commission on International Trade Law (UNCITRAL) among Government officials, judges, lawyers and scholars, particularly from developing countries.

38. The International Trade Law Division organized activities in several developing countries with the objective of assisting them in assessing their needs in the modernization of their legislation on international trade law and in adopting and implementing UNCITRAL texts, and participated in activities organized or coordinated by other organizations (see A/CN.9/695 and Add.1). In addition, members of the Division participated as speakers in a number of seminars and courses organized and funded by other institutions.

(b) Publications

39. During the period under review, the Division published Case Law on UNCITRAL Texts (CLOUT) abstracts Nos. 84 to 93; a booklet reproducing the text of the *United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea*;[8] the *UNCITRAL Legislative Guide on Secured Transactions*,[9] and a separate booklet reproducing the Guide's terminology and recommendations;[10] an annual report on the status of ratification and enactment of UNCITRAL texts (A/CN.9/694) and the UNCITRAL bibliography (A/CN.9/693). A collection of UNCITRAL legal texts will be available on CD-ROM in 2010.

(c) Dissemination

40. The UNCITRAL website provides information on UNCITRAL texts and the ongoing work of the Commission, case law on UNCITRAL texts, archival and research materials and other information relating to international trade law. A consolidated bibliography of writings related to the work of UNCITRAL, which aims to compile all entries of the annual bibliographical reports submitted to the Commission since 1968, was made available on the UNCITRAL website in 2009.

4. Treaty Section

(a) Activities

41. The Treaty Section continued its technical assistance and training programme on participation in multilateral treaties, registration of treaties, depositary practices and final clauses.

42. In collaboration with UNITAR, the Section organized treaty seminars in English (with information in French upon request) at United Nations Headquarters in November 2009 and in April 2010.

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[7] These activities are carried out by the International Trade Law Division pursuant to General Assembly resolutions 60/20, 61/32, 62/64, 63/120 and 64/111.

[8] United Nations Publication, Sales No. E.09.V.9.

[9] Ibid., Sales No. E.09.V.12.

[10] Ibid., Sales No. E.09.V.13.

43. In October 2009, the Treaty Section participated in a capacity-building workshop held in Wuhan, Hubei, China, organized by the Ministry of Foreign Affairs of China and hosted by the Wuhan University School of Law for participants from member States of the Association of Southeast Asian Nations, as well as Mongolia, Nepal, Sri Lanka and China.

44. The 2010 treaty event was held from 21 to 23 and on 27 and 28 September 2010. A publication on the theme of the event, *2010 Treaty Event: Towards Universal Participation and Implementation*, was distributed in June 2010 to all permanent missions, United Nations organizations and concerned non-governmental organizations, among others.

(b) Publications

45. During the review period (as of June 2010), the Treaty Section has published 30 volumes of the *United Nations Treaty Series* and another 30 volumes are under preparation. The status of each multilateral treaty deposited with the Secretary-General is updated with each new action and can be obtained as a printed document through the website.

(c) Dissemination

46. The Treaty Section continued to develop and enhance its computerization programme to facilitate the effective storage, retrieval and timely dissemination of treaty information on the website of the United Nations Treaty Collection. Updated information on the technical training organized at United Nations Headquarters and publications relating to the annual treaty event was posted. The United Nations Treaty Collection was updated to include all treaties published in the *United Nations Treaty Series* up to the July 2007 registration month. Authentic texts of treaties, as received by the submitting State, are made available on the website immediately after registration. The Treaty Section now publishes the *Multilateral Treaties Deposited with the Secretary-General*, as well as the depositary notifications, exclusively online.

5. Distribution of United Nations legal publications

47. Pursuant to paragraph 64 of the previous report of the Secretary-General on the Programme of Assistance (A/64/495) and paragraph 1 of General Assembly resolution 64/113 authorizing its implementation, copies of United Nations legal publications issued during 2010 have been provided to the institutions in developing countries that have been receiving such publications under the Programme and to other institutions in a number of countries, in particular developing countries, for which requests for such publications have been made by the Member States concerned.

B. United Nations Office at Geneva

48. The forty-sixth session of the International Law Seminar, which is conducted pursuant to General Assembly resolution 64/114, was held at the Palais des Nations in Geneva from 5 to 23 July 2010, during the sixty-second session of the International Law Commission (see A/65/10, paras. 413 to 426).

III. Guidelines and recommendations regarding the execution of the Programme of Assistance in 2011

49. The activities under the Programme of Assistance will be carried out in 2011 in accordance with the guidelines and recommendations contained in the report submitted to the General Assembly during its sixty-fourth session (A/64/495, sect. III) and approved in accordance with resolution 64/113.

IV. Administrative and financial implications of United Nations participation in the Programme of Assistance

A. During 2010

50. During 2010, the actual cost of producing and supplying publications to institutions in developing countries fell under the allocations relating to administrative and common services of the respective substantive programme budget to which each publication belongs.

51. Concerning the funding provided for the International Law Fellowship Programme, a total of $419,600 was included in the regular budget under section 8 (Legal affairs: grants and contributions) of the programme budget for the biennium 2010-2011.[11]

52. In resolution 64/113, the General Assembly reiterated its request to Member States and interested organizations and individuals to make voluntary contributions towards the financing of activities under the Programme. Accordingly, a note verbale was sent to Member States on 2 June 2010, drawing their attention to that resolution.

53. Since the previous report, voluntary contributions for the Programme of Assistance were made by Panama ($1,500) and Trinidad and Tobago ($10,000). Contributions for the United Nations Audiovisual Library of International Law were made by: Austria ($13,000); Norway ($56,345); the Republic of Korea ($10,000); Slovenia ($7,150); Sweden ($25,000); and Switzerland ($25,000). In addition, Germany made a pledge of $33,000 for the Audiovisual Library.

54. Since the previous report, the following countries made contributions for the Hamilton Shirley Amerasinghe Fellowship on the law of the sea: Chile ($5,000); Cyprus ($4,290); Lebanon ($2,000); and Oman ($5,000). In addition, Cyprus made a further contribution of $2,640. The contributions were partially offset owing to the deficit of past years.

B. During 2011

55. The cost of handling and shipping United Nations legal publications issued in 2011 is covered by the estimates under the relevant sections of the proposed programme budget for the biennium 2010-2011.

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[11] This constituted a reduction from the final appropriation of funds allocated for this purpose for the previous biennium ($446,600).

56. With regard to the International Law Fellowship Programme, as noted in paragraph 47 above, an amount of $419,600 was included in the programme budget for the biennium 2010-2011 under section 8 (Legal affairs).

57. The Secretary-General will repeat his efforts, if the General Assembly so decides, in requesting voluntary and in kind contributions to the Programme.

V. Meetings of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

A. Membership of the Advisory Committee

58. The General Assembly, in its resolution 62/62, appointed the following 25 Member States as members of the Advisory Committee for the period from 1 January 2008 to 31 December 2011: Canada, Colombia, Cyprus, Czech Republic, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Lebanon, Malaysia, Mexico, Nigeria, Pakistan, Portugal, Russian Federation, Sudan, Trinidad and Tobago, Ukraine, United Republic of Tanzania, United States of America and Uruguay.

B. Consideration of the report of the Secretary-General by the Advisory Committee at its forty-fifth session

59. As part of the preparation of the report requested under resolution 64/113, the Secretary-General prepared a draft report covering the activities carried out during 2010 under the Programme of Assistance,[12] for consideration by the Advisory Committee.

60. In order to discuss the draft report, the Committee held its forty-fifth session, on 14 October 2010. The representatives of the following members of the Committee were present: Canada, Cyprus, Czech Republic, Ethiopia, France, Germany, Ghana, Iran (Islamic Republic of), Italy, Jamaica, Kenya, Lebanon, Malaysia, Mexico, Pakistan, Russian Federation, Trinidad and Tobago, Ukraine, United Republic of Tanzania, United States of America and Uruguay.

61. The session was chaired by Mr. Ebenezer Appreku, Minister and Deputy Permanent Representative of the Permanent Mission of Ghana to the United Nations.

62. Virginia Morris, Principal Legal Officer, Codification Division, acted as Secretary of the Committee.

63. Prior to the consideration of the draft report of the Secretary-General, the Secretary of the Committee made a statement concerning the changing needs of the international community with respect to the teaching and dissemination of international law and provided a progress report on the efforts of the Codification Division to strengthen and revitalize its activities under the Programme of Assistance to better respond to the evolving needs of Member States.

[12] A/AC.117/2010/CRP.1.

64. During the session, several members of the Advisory Committee emphasized the importance of the Programme of Assistance in the promotion of international law and in the strengthening of the rule of law. Several members expressed support for the efforts of the Codification Division that had led to the revitalization and further development of the various activities under the Programme of Assistance, in particular with regard to the International Law Fellowship Programme, the regional courses in international law and the Audiovisual Library of International Law. The very fact that the Programme had been in existence for 45 years attested to its relevance and to the high regard in which it was held by the international community.

65. Several members expressed concern regarding the limited resources available to the Programme. They stressed the need to ensure the Programme's continuation and further development with adequate resources. In this context, some members expressed the view that the regional courses in international law and the Audiovisual Library of International Law should receive adequate support from the regular budget. The view was also expressed that Member States and other donors should be encouraged to make additional voluntary contributions for those projects.

66. Attention was also drawn to the important training activities carried out by the Division for Ocean Affairs and the Law of the Sea, the International Trade Law Division and the Treaty Section. In view of the importance of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, the hope was expressed that it would be possible to continue the Fellowship.

67. Appreciation was expressed to the Republic of Korea and Ethiopia for their hosting of regional courses in international law in 2010 and 2011, respectively.

Annex

Internet uniform resource locators for websites cited in the report and maintained by the Office of Legal Affairs

Website	*Uniform resource locator*
Treaty Section	
United Nations Treaty Collection	http://treaties.un.org
Division for Ocean Affairs and the Law of the Sea	
Oceans and law of the sea	http://www.un.org/Depts/los/index.htm
International Trade Law Division	
United Nations Commission on International Trade Law	http://www.uncitral.org
Codification Division	
Codification of international law	http://www.un.org/law/lindex.htm
Sixth Committee of the General Assembly	http://www.un.org/en/ga/sixth
International Law Commission	http://www.un.org/law/ilc
Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization	http://www.un.org/law/chartercomm
Ad Hoc Committee on the criminal accountability of United Nations officials and experts on mission	http://www.un.org/law/criminalaccountability
Ad Hoc Committee on the Administration of Justice at the United Nations	http://www.un.org/law/administrationofjustice
Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996	http://www.un.org/law/terrorism
Ad Hoc Committee on Jurisdictional Immunities of States and Their Property	http://www.un.org/law/jurisdictionalimmunities
Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings	http://www.un.org/law/cloning
Ad Hoc Committee on the Scope of Legal Protection under the Convention on the Safety of United Nations and Associated Personnel	http://www.un.org/law/UNsafetyconvention

Website	*Uniform resource locator*
Rome Statute of the International Criminal Court	http://untreaty.un.org/cod/icc
Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law	http://www.un.org/law/programmeofassistance
International Law Fellowship Programme	http://www.un.org/law/ilfp/
Regional courses in international law	http://www.un.org/law/rcil/
United Nations Audiovisual Library of International Law	http://www.un.org/law/avl
United Nations legal publications portal	http://www.un.org/law/UNlegalpublications
Repertory of Practice of United Nations Organs	http://www.un.org/law/repertory
United Nations Juridical Yearbook	http://www.un.org/law/UNJuridicalYearbook/index.htm
Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice	http://www.un.org/law/ICJsummaries
Diplomatic conferences (official records of proceedings)	http://untreaty.un.org/cod/diplomaticconferences
United Nations Reports of International Arbitral Awards	http://www.un.org/law/riaa

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Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Responsibility of States for internationally wrongful acts

Letter dated 13 October 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to the statement made on 25 September 2009 by Mr. Edward Nalbandian, Minister for Foreign Affairs of the Republic of Armenia, in the general debate of the sixty-fifth session of the General Assembly. This statement has become yet another solid piece of evidence of Armenia's destructive position, annexationist intentions and racist ideology.

The emotional outburst, in which the Minister for Foreign Affairs of the Republic of Armenia went through the traditional depiction of his country as an eternal victim, not only made it clear that the officials in Yerevan continue to remain under the disastrous influence of their confused history, trying to make as much as possible out of it to justify the policy of flagrant violation of the Charter of the United Nations and international law, but also illustrated that Armenia is far from even thinking of engaging in a sober and efficient search for peace in the region.

It is amazing that the Minister for Foreign Affairs of the Republic of Armenia — the country which bears primary responsibility for unleashing the war of aggression against Azerbaijan, carrying out ethnic cleansing, committing other serious international crimes during the conflict and advocating undisguised racist ideology — prefers to criticize the neighbouring countries and lecture them on the issues pertaining to such notions as peace, human rights, negotiations and the settlement of conflicts.

While trying to accuse Azerbaijan of allegedly suppressing Armenians during Soviet rule, "attempting to cleanse them from their ancestral home" and unleashing

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brutal war, the Minister for Foreign Affairs of Armenia stubbornly passes over in silence the facts irrefutably testifying to the opposite.

Thus, over the 70 years of Soviet rule, Armenia succeeded in expanding its territory, mostly at the expense of Azerbaijani lands, and using every possible means to expel the Azerbaijanis from their places of origin. Suffice it to say that, during the Soviet period, the territory of Armenia increased from 8,000-10,000 to 29,800 square kilometres. As a result, the Nakhchyvan region of Azerbaijan was cut off from the main body of the country. There is not a single Azerbaijani remaining in present-day Armenia of the more than half million Azerbaijani people who lived there when Soviet rule was established in the region. These facts are supported by numerous documents and acknowledged in Armenian official and academic sources.

Moreover, in the 1920s, the ancestral land of Azerbaijan — mountainous Garabakh (Nagorny Karabakh) — was given the status of autonomy within the Soviet Socialist Republic of Azerbaijan, and its administrative borders were defined in such a way as to ensure that a small Armenian population constituted a majority in this autonomy. At the same time, a significantly larger Azerbaijani population residing in the Soviet Socialist Republic of Armenia at that time was refused the same privilege, and attempts to so much as mention this were promptly, roughly and savagely suppressed.

The Armenian side's "forgetfulness" also frequently concerns the chronology of events pertaining to the beginning of the present-day stage of the war between Armenia and Azerbaijan. In reality, large-scale military actions on the territory of Azerbaijan were preceded by the attacks, at the end of 1987, on the Azerbaijanis in Khankandi (during the Soviet period, Stepanakert) and Armenia, resulting in first civilian casualties and a flood of Azerbaijani refugees and internally displaced persons. At the same time, a number of illegal declarations and decisions were taken by both Armenia and the Armenian community of Nagorny Karabakh, with a view to securing the unilateral secession of the autonomy from Azerbaijan.

Shortly after the assertion of claims on Nagorny Karabakh at the end of the 1980s, under instructions from and with the blessing of the Armenian authorities, about 230,000 Azerbaijanis remaining in Armenia were forcibly deported from their homes. This process was accompanied by killings, torture, enforced disappearances, the destruction of property and pillaging throughout Armenia. These acts were conducted on a widespread and systematic basis. During only three days, from 27 to 29 November 1988, 33 Azerbaijanis were killed in the course of pogroms in the Armenian towns of Gugark, Spitak and Stepanavan. In all, 216 Azerbaijanis were killed in Armenia in 1987-1989, including children, women and elderly people.

The Minister for Foreign Affairs of the Republic of Armenia must be well informed that, long before the world witnessed the horrifying terrorist attacks that took place on 11 September 2001 and from that date onward in different countries, the Armenian secret service and various Armenian terrorist organizations have been actively engaged in perpetrating terrorist acts on the territory of Azerbaijan, targeting civilian objects, including industrial units and means of air, sea and land transport. It is a fact that, as a result of such acts perpetrated since the late 1980s, over 2,000 citizens of Azerbaijan have been killed, the majority of them women, the elderly and children (for more information, see United Nations documents A/C.6/50/4 and A/C.6/51/5). Against this background and taking into consideration that international Armenian terrorism has bloody historic antecedents connected

with the perpetration of numerous terrorist acts in various countries and killings of tens of foreign citizens and diplomats, the hopeless attempts of the Minister for Foreign Affairs of Armenia to link Azerbaijan with mercenary and terrorist activity seem curious, to say the least.

At the end of 1991 and the beginning of 1992, the conflict entered into a military phase and Armenia initiated combat operations on the territory of Azerbaijan. That period was marked by an increase in the magnitude, intensity and consistency of the attacks. In February 1992, the town of Khojaly in Azerbaijan was notoriously overrun and its population was subjected to an unprecedented massacre. In its judgment of 22 April 2010, the European Court of Human Rights determined that the acts of particular gravity committed by the Armenian military forces against the Azerbaijani civilian population of Khojaly might amount to war crimes and crimes against humanity.

In sum, the ongoing armed conflict in and around the Nagorno-Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and has made approximately one out of every nine persons in the country an internally displaced person or refugee. The war led to the deaths and wounding of thousands of Azerbaijanis, the majority of them women, the elderly and children. The aggression against Azerbaijan has severely damaged the socio-economic sphere of the country. In addition, no single Azerbaijani historic and cultural monument was left undamaged, and no sacred site escaped desecration both in the occupied territories and in Armenia.

The documentary evidence — and there is a mountain of it — proves that Armenia unleashed the war; attacked Azerbaijan and occupied its territories, including the Nagorno-Karabakh region and seven adjacent districts; carried out ethnic cleansing on a massive scale; and established the ethnically constructed subordinate separatist entity on the captured Azerbaijani territory. The high-ranking officials in Yerevan confirmed more than once that the regular armed forces of the Republic of Armenia invaded and occupied the territory of the Republic of Azerbaijan. Thus, one of the most recent examples concerns the words of President Serj Sargsyan of the Republic of Armenia, who stated during his visit to the North Atlantic Treaty Organization (NATO) Headquarters in May 2010 that "[o]ur army was born and baptized in the battlefield and the core of the Armenian officers, top officers, led by the Minister and the Army Chief of Staff, have a wealth of experience of warfare and it's a positive experience, a successful experience" (see press point with the NATO Secretary General and the President of Armenia at http://www.nato.int/cps/en/natolive/opinions_63920.htm). Indeed, the cynicism of the Armenian officials has no limits.

There are also irrefutable facts testifying the active use, by Armenia, of mercenaries to attack Azerbaijan (for more information, see the note by the Secretary-General, entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/49/362, paras. 69-72)).

Accordingly, what the Armenian side considers "the exercise of the right to self-determination" by the Armenian minority group in Azerbaijan has been unequivocally qualified by the Security Council and the General Assembly, as well as by other authoritative international organizations, as the illegal use of force against the sovereignty and territorial integrity of the Republic of Azerbaijan.

The illegality of the separatist entity and its structures, established by the Republic of Armenia on the occupied territory of the Republic of Azerbaijan, has been repeatedly stated at the international level in the most unambiguous manner. No State in the international community has recognized the separatist entity as independent, not even Armenia, though it exercises effective control over the occupied territories of Azerbaijan and provides indispensable economic, political and military sustenance without which that illegal entity could not exist.

Contrary to the approach of the Armenian side based on attempts to legalize the results of the use of force and ethnic cleansing, the principle of self-determination represents a legitimate process carried out in accordance with international and domestic law within precisely identified limits. This important principle exists in reality as a rule of international law and, as such, applies to the peoples of the colonially defined territorial units and peoples subjected to alien subjugation, domination and exploitation, including peoples under foreign military occupation. There can be no doubt that persons belonging to the Armenian minority group and residing in the Nagorno-Karabakh region of Azerbaijan have nothing to do with either of these categories of peoples.

The principle of self-determination also provides for the participation of peoples in the governance of their States. In this context, the inhabitants of Nagorny Karabakh are entitled to the full benefit of international human rights provisions, including the right to self-determination within the boundaries of the Republic of Azerbaijan and as part of its population, which is the primary subject of the right to self-determination under international law.

The critical factor in addressing the issue of self-determination with regard to the conflict between Armenia and Azerbaijan is that all actions aimed at tearing away a part of the territory of Azerbaijan were unlawful and constituted a violation of the fundamental norm of respect for the territorial integrity of States, as well as a violation of other peremptory norms of general international law. In its advisory opinion of 22 July 2010, the International Court of Justice reaffirmed that the illegality attached to unilateral secessions stems from the fact that "they were, or would have been, connected with the unlawful use of force or other egregious violations of norms of general international law, in particular those of a peremptory character (*jus cogens*)".

Consequently, the claims of Armenia, which resorted to the unlawful use of force to occupy the territory of Azerbaijan and committed the most serious international crimes, such as war crimes, crimes against humanity and even genocide, are contrary to and unsustainable under international law. Therefore, the destructive political agenda of Armenia aimed at dismemberment of multi-ethnic societies and legalization of a product of aggression and outrageous manifestation of ethnic differentiation is fated never to be realized.

It seems that only the Minister for Foreign Affairs of the Republic of Armenia and his subordinates are unaware that, since 1945, no separatist entity created by the unlawful use of force and ethnic cleansing has been admitted to the United Nations and recognized by the international community.

Besides, the Government of the Republic of Armenia, which has purged both the territory of its own country and the occupied areas of Azerbaijan of all non-Armenians and thus succeeded in creating mono-ethnic cultures there, should

be the last one advocating unilateral secessions of ethnic minority groups from sovereign States.

The Minister for Foreign Affairs of the Republic of Armenia pretends to be preoccupied with Azerbaijan's oil revenues and its military budget increase. At the same time, he omits to say that the annual defence spending of Azerbaijan remains in line with overall budget increases; that Azerbaijan continues to spend a much smaller percentage of its gross domestic product (GDP) on the army than Armenia; and that the size of the armed forces of Azerbaijan is proportional to its population, territory and length of borders and remains less than Armenia's. It is worthwhile mentioning that President Serj Sargsyan of the Republic of Armenia stated, on 25 May 2010, during his visit to NATO Headquarters, that "[t]he Armenian army has types of ammunition that countries ten times the size of Armenia would dream of having" (see press point with the NATO Secretary General and the President of Armenia, http://www.nato.int/cps/en/natolive/opinions_63920.htm). These words are self-explanatory.

The Armenian side also does not clarify that the arms control mechanism is not effective in the occupied territories of Azerbaijan and that Armenia deploys, beyond international control, a great number of armaments and ammunitions in these territories.

The statement by the Minister for Foreign Affairs of Armenia has not become an exception from usual speculations and misinterpretations by Armenian officials as to the true value of the conflict settlement process.

It is unprecedented and absurd that, against the background of the continuing occupation by Armenia of the territories of Azerbaijan, the former has the cheek to blame the victim of aggression for allegedly rejecting the proposal to sign an agreement on the non-use of force. It should be made clear in this regard that there are two lawful exceptions to the United Nations Charter's broad ban on the use of inter-State force, and both are prescribed in the Charter itself. One of these exceptions relates to the exercise of the right of self-defence (Article 51). It is obvious that the principle of the non-use of force, which has been flagrantly violated by Armenia, must be reaffirmed in inter-State relations between Armenia and Azerbaijan in the framework of the settlement of the conflict and applied following the complete withdrawal of Armenian armed forces from the Nagorno-Karabakh region and other occupied territories of Azerbaijan. Accordingly, any speculations on this issue by the Armenian side are none other than a primitive propagandistic trick.

In reality, as a country suffering from the occupation of its territories and the forcible displacement of hundreds of thousands of its citizens, Azerbaijan is the most interested party in the earliest negotiated settlement of the conflict and removal of its consequences. Azerbaijan has clearly and unequivocally demonstrated its aspiration towards a resolution of the conflict based on international law and strives to make full use of all political and diplomatic resources available to it. My Government has repeatedly stated its readiness to guarantee the highest level of self-rule for Nagorny Karabakh within the Republic of Azerbaijan, although it is not an easy decision, as may seem at first sight, taking into consideration the externally imposed creation of autonomy in Nagorny Karabakh in the Soviet period, the expulsion of Azerbaijanis from Armenia and the heavy burden of the present conflict in view of human losses and sufferings.

On the contrary, by asserting that "the people of Nagorno-Karabakh exercised their right to self-determination" the Minister for Foreign Affairs of Armenia confirmed once again that the Armenian side considers the conflict settlement process only as a means of achieving the annexation of Azerbaijani territories that it has captured through military force and in which it has carried out ethnic cleansing.

The statement of the Minister for Foreign Affairs of the Republic of Armenia contains reference to the principles and elements proposed by the Co-Chairs of the Minsk Group of the Organization for Security and Cooperation in Europe (OSCE), but at the same time, he omits to add that these principles and elements purport to "reflect a reasonable compromise based on the Helsinki Final Act principles of non-use of force, territorial integrity and the equal rights and self-determination of peoples" (see the joint statement on the Nagorno-Karabakh conflict by the Presidents of France, the Russian Federation and the United States of America at the L'Aquila Group of Eight Summit, 10 July 2009).

In this regard, the natural question arises as to what compromise the Armenian side has in mind in saying that "the people of Nagorno-Karabakh [have already] exercised their right to self-determination". Clarifications of this question are essential also because the withdrawal of Armenian military forces only from the occupied territories of Azerbaijan surrounding the Nagorno-Karabakh region cannot be introduced as a compromise, insofar as it is the obligation of Armenia under international law to put an end to its illegal occupation of these territories.

Furthermore, while referring to the principles and elements proposed by the Co-Chairs of the OSCE Minsk Group, the Minister for Foreign Affairs of the Republic of Armenia passes over in silence that Armenia has not yet clarified whether it accepts them in their entirety.

It is obvious that, by insisting on unrealistic claims, attempting to mislead the international community, giving preference to bellicose rhetoric and resorting to provocative actions, Armenia attempts to discredit the ongoing political process, at the core of which is the settlement formula based on putting an end to the illegal Armenian occupation, the restoration of the sovereignty and territorial integrity of Azerbaijan and ensuring the peaceful coexistence of Armenian and Azerbaijani communities in the Nagorno-Karabakh region within the Republic of Azerbaijan.

We consider this stance of Armenia an open challenge to the conflict settlement process and a serious threat to international and regional peace and security. The earlier the officials of this country realize the lack of any perspective of their unconstructive and dangerous political agenda, the sooner our peoples will be able to benefit from peace, stability and cooperation.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 34, 39 and 75, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Protracted conflicts in the GUAM area and their implications for international peace, security and development

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Security Council
Sixty-fifth year

Letter dated 13 October 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to draw your attention to ongoing violations of the ceasefire by the armed forces of the Republic of Armenia, recorded for the months of August and September 2010 (see annex).

It is worthwhile to mention that regular and deliberate violations of the ceasefire by the armed forces of the Republic of Armenia during the aforementioned period, in particular their repeated incursions across the Line of Contact, resulted in the deaths of three Azerbaijani soldiers.

My Government strongly protests against the provocative actions of the armed forces of the Republic of Armenia on the Line of Contact, which are illustrative of the consistent disrespect by this Member State of its obligations both under international law and within the ongoing political process towards the resolution of the conflict between Armenia and Azerbaijan.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 34, 39 and 75, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

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Annex to the letter dated 13 October 2010 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Violation of the ceasefire by the military forces of the Republic of Armenia[a] for the months of August and September 2010

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
1 August	21.45-21.55	Five	Mosegerkh village, Berd region, Armenia	Firearm and machine gun	—
	23.20-23.30		Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
	17.40-17.45		Ashagi Abdulrahmanli village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	18.30-19.20		Unknown heights, Dashkesan region, Azerbaijan	Firearm and machine gun	—
	10.00-10.15 21.50-22.00 22.00-22.15 23.30-00.00		Unknown heights, Kuropatkino village, Khojavend region, Azerbaijan	Firearm and machine gun	—
2 August	00.50-01.00	Two	Saridjali village, Agdam region, Azerbaijan	Firearm and machine gun	—
	03.15-03.25		Goyarkh village, Tartar region, Azerbaijan	Firearm and machine gun	—
5 August	20.25-20.55	Five	Gorgan village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	20.25-20.55 22.50-23.50, 23.25-23.55		Seysulan, Goyarkh and Gizil Oba villages, Tartar region, Azerbaijan	Firearm and machine gun	—
	21.30-23.55		Unknown heights, Khojavend region, Azerbaijan	Firearm and machine gun	—

[a] Settlements of the Republic of Azerbaijan included in this information are under occupation by the Republic of Armenia or close to fire point areas.

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
6 August	00.30-00.40	One	Yusifjanli village, Agdam region, Azerbaijan	Firearm and machine gun	—
10 August	18.20-18.40 19.10-19.40	Five	Tapgaragoyunlu village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	20.35-20.45		Unknown heights, Dashkesan region, Azerbaijan	Firearm and machine gun	—
	21.30-21.35		Berdavan village, Noyanberyan region, Armenia	Firearm and machine gun	—
	23.20-23.30		Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
	23.40-23.55 23.15-00.10		Garakhanbayli village, Fizuli region, Azerbaijan	—	—
12 August	21.30-21.40	Two	Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	22.30-22.45 23.25-23.30 23.15-23.20		Gorgan and Ashagi Abdulrahmanli villages, Fizuli region, Azerbaijan	Firearm and machine gun	—
13 August	06.00-06.10	Three	Gizil Oba village, Tartar region, Azerbaijan	Firearm and machine gun	—
	12.20-12.35 18.45-18.55		Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
	17.20-17.35		Chayli village, Tartar region, Azerbaijan	Firearm and machine gun	—
15 August	10.40-11.00	Three	Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	14.15-14.30		Unknown heights, Goranboy region, Azerbaijan	Firearm and machine gun	—
	22.50-23.05 23.10-23.30		Ashagi Abdulrahmanli village, Fizuli region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
16 August	04.00-04.25	Three	Chayli village, Tartar region, Azerbaijan	Firearm and machine gun	—
	17.00-17.20		Tapgaragoyunlu and Gulustan villages, Goranboy region, Azerbaijan	Firearm and machine gun	—
17 August	00.30-00.35 01.00-01.00	Six	Sarijali and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	10.00-11.40		Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	16.20-16.30		Unknown heights, Dashkesan region, Azerbaijan	Firearm and machine gun	—
	19.10-19.25		Unknown heights, Goygol region, Azerbaijan	Firearm and machine gun	—
	20.05-20.15 22.00-22.15		Garakhanbayli village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	20.50-21.10		Tapgaragoyunlu village, Goranboy region, Azerbaijan	Firearm and machine gun	—
18 August	00.05-00.30	Five	Gizil Oba village, Tartar region, Azerbaijan	Firearm and machine gun	—
	09.00-09.35 15.50-16.10		Unknown heights, Goygol region, Azerbaijan	Firearm and machine gun	—
	19.00-19.20		Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	19.00-19.30		Berkaber village, Idjevan region, Armenia	Firearm and machine gun	—
	20.30-20.50		Mosesgerkh village, Berd region, Armenia	Firearm and machine gun	—
19 August	22.45-22.50	One	Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
20 August	00.55-01.10 03.40-03.55	Six	Javahirli and Shikhlar villages, Tartar region, Azerbaijan	Firearm and machine gun	—
	02.50-03.10		Seysulan village, Tartar region, Azerbaijan	Firearm and machine gun	—
	11.20-11.25		Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	14.15-14.30		Gulustan village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	15.20-16.10		Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—
21 August	00.10-00.40	Two	Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—
	01.00-01.25		Gizil Oba village, Tartar region, Azerbaijan	Firearm and machine gun	—
22 August	13.00-13.05	One	Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
23 August	00.05-00.15	Four	Sarijali village, Agdam region, Azerbaijan	Firearm and machine gun	—
	00.05-00.20		Gizil Oba village, Tartar region, Azerbaijan	Firearm and machine gun	—
	20.40-21.00		Unknown heights, Goranboy region, Azerbaijan	Firearm and machine gun	—
	23.10-23.25		Goyarkh village, Tartar region, Azerbaijan	Firearm and machine gun	—
24 August	15.30-15.40 21.00-21.05	Five	Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	16.00-16.10		Unknown heights, Goygol region, Azerbaijan	Firearm and machine gun	—
	17.30-17.40		Tapgaragoyunlu village, Goranboy region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
	23.40-23.46		Ashagi Abdulrahmanli village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	21.30-21.50 22.20-22.30		Shurabad, Yusifjanli and Kangarli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
25 August	00.45-01.10	Five	Unknown heights, Gadabay region, Azerbaijan	Firearm and machine gun	—
	01.30-01.40		Shurabad, Yusifjanli and Kangarli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	21.45-21.57		Sarijali and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
26 August	00.00-00.25	Three	Sarijali and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	03.05-03.15		Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	19.00-19.10		Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—
27 August	07.10-07.20	Three	Ashagi Abdulrahmanli village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	22.30-22.40		Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	22.30-22.40		Yusifjanli village, Agdam region, Azerbaijan	Firearm and machine gun	—
28 August	04.10-04.25	One	Gizil Oba village, Goranboy region, Azerbaijan	Firearm and machine gun	—
29 August	13.40-13.50	Five	Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
	15.20-15.55		Unknown heights, Dashkesan region, Azerbaijan	Firearm and machine gun	—
	17.30-17.45		Gulustan village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	21.15-21.30 23.50-00.00		Yusifjanli and Sarijali villages, Agdam region, Azerbaijan	Firearm and machine gun	—
30 August	00.10-00.15 02.20-02.45	Three	Chayli and Chilaburt villages, Tartar region, Azerbaijan	Firearm and machine gun	—
	21.30-21.35		Unknown heights, Berd region, Armenia	—	—
	22.50-22.55		Voskepar village, Noyanberyan region, Armenia	Firearm and machine gun	—
31 August	00.30-01.15	Five	Chayli village, Tartar region, Azerbaijan	Firearm and machine gun	—
	18.50-19.00		Berkaber village, Ijevan region, Armenia	Firearm and machine gun	
	15.00-16.00		Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—
	16.30-16.40 23.40-01.35		Chayli and Gizil Hajili villages, Tartar region, Azerbaijan	Firearm and machine gun	Soldiers of Azerbaijani Army — Vugar Amirov, 19, and Parvin Abdullayev, 19, were killed
1 September	18.30-18.40	One	Gulustan village, Goranboy region, Azerbaijan	Firearm and machine gun	—
2 September	03.00-03.35 05.10-05.30	Four	Gizil Oba and Chayli villages, Tartar region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
	10.30-11.30		Unknown heights, Goranboy region, Azerbaijan	Firearm and machine gun	—
	23.40-23.50		Sarijali village, Agdam region, Azerbaijan	Firearm and machine gun	—
3 September	00.20-00.45	One	Gapanli village, Tartar region, Azerbaijan	Firearm and machine gun	—
5 September	07.25-08.15	Eight	Chilaburt, Goyarkh, Seysulan and Gizil Oba villages, Tartar region, Azerbaijan	Firearm and machine gun	—
	19.00-19.25 20.45-21.25 11.15-11.35		Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	13.00-13.15		Unknown heights, Dashkesan region, Azerbaijan	Firearm and machine gun	—
	22.50-23.05		Javahirli village, Agdam region, Azerbaijan	Firearm and machine gun	—
	14.30-15.00		Tapgaragoyunlu village, Goranboy region, Azerbaijan	Firearm and machine gun	—
6 September	00.40-01.15	Seventeen	Chilaburt, Goyarkh, Seysulan and Gizil Oba villages, Tartar region, Azerbaijan	Firearm and machine gun	—
	00.45-00.55 01.00-01.20 03.45-04.15 04.10-04.30 02.35-02.55		Tapgaragoyunlu village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	03.30-04.00 14.00-15.00 13.30-13.55		Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	15.30-15.45		Gizil Oba village, Tartar region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
	17.30-17.50		Garagashli, Sarijali, Suraabad, Shikhlar and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	22.05-22.40 22.45-23.07 19.45-21.10		Aygepar and Mosesgerkh villages, Berd region, Armenia	Firearm and machine gun	—
	23.30-23.50 23.05-23.40		Chakhirli village, Jabrayil region, Azerbaijan	Firearm and machine gun	—
	23.10-23.35		Horadiz village, Fizuli region, Azerbaijan	Firearm and machine gun	—
7 September	01.05-01.30 05-50-06.05	Eleven	Garagashli, Sarijali, Suraabad, Shikhlar and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	21.30-22.10		Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	20.40-21.05		Chakhirli village, Jabrayil region, Azerbaijan	Firearm and machine gun	—
	20.40-21.05		Tapgaragoyunlu village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	17.10-17.20 18.45-19.00 21.55-22.25		Garagashli, Javahirli and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
8 September	00.30-00.50 05.20-05.45	Three	Garagashli, Javahirli and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
10 September	07.50-08.15 18.40-18.50	Two	Goran village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	18.30-18.50		Kurapatkino village, Khojavend region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
12 September	09.15-09.35 17.25-17.30	Four	Berdavan and Davekh villages, Noyanberyan region, Armenia	Firearm and machine gun	—
	21.00-21.25 21.10-21.30		Ashagi Seyidahmadli village, Fizuli region, Azerbaijan	Firearm and machine gun	—
	22.45-23.00		Unknown heights, Goranboy region, Azerbaijan	Firearm and machine gun	—
13 September	00.20-00.40	Five	Berdavan and Davekh villages, Noyanberyan region, Armenia	Firearm and machine gun	—
	08.10-08.20		Garagashli village, Agdam region, Azerbaijan	Firearm and machine gun	—
	20.00-20.20 20.05-20.15		Voskevan village, Noyanberyan region, Armenia	Firearm and machine gun	—
	20.05-20.15		Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
14 September	02.35-02.50	Seven	Sarijali and Yusifjanli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	03.10-04.00		Garakhanbayli, Horadiz and Gorgan villages, Fizuli region, Azerbaijan	Firearm and machine gun	—
	03.25-04.00		Chayli and Seysulan villages, Tartar region, Azerbaijan	Firearm and machine gun	—
15 September	21.15-21.30	Two	Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	14.50-15.00		Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
16 September	23.10-23.20	Four	Gizil Oba village, Tartar region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
	23.40-00.00		Unknown heights, Khojavend region, Azerbaijan	Firearm and machine gun	—
	21.50-22.00 23.40-23.50		Sarijali and Garagashli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
17 September	00.30-00.40	One	Sarijali and Garagashli villages, Agdam region, Azerbaijan	Firearm and machine gun	—
19 September	14.15-14.25	Three	Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
	15.30-15.35		Unknown heights, Goranboy region, Azerbaijan	Firearm and machine gun	—
	21.45-22.05		Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—
20 September	15.45-16.15 20.20-20.55	Five	Garagashli village, Agdam region, Azerbaijan	Firearm and machine gun	—
	18.20-18.45		Unknown heights, Noyanberyan region, Armenia	Firearm and machine gun	—
	14.45-15.10 18.45-19.00 23.00-23.35		Seysulan, Chayli and Gizil Oba villages, Tartar region, Azerbaijan	Firearm and machine gun	—
22 September	00.45-00.50	Five	Ashagi Abdulrahmanli and Gorgan villages, Fizuli region, Azerbaijan	Firearm and machine gun	—
	17.10-17.20		Chinarli village, Berd region, Armenia	Firearm and machine gun	—
	19.00-19.20		Gulustan village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	23.30-23.50		Ashagi Abdulrahmanli village, Fizuli region, Azerbaijan		
23 September	04.30-04.40	Three	Seysulan village, Tartar region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
	04.28-04.40		Garagashli village, Agdam region, Azerbaijan	Firearm and machine gun	—
	09.35-09.40		Yusifjanli village, Agdam region, Azerbaijan	Firearm and machine gun	—
24 September	11.20-11.35 13.25-13.45	Five	Unknown heights, Goygol region, Azerbaijan	Firearm and machine gun	—
	13.40-13.50		Yusifjanli village, Agdam region, Azerbaijan	Firearm and machine gun	—
	19.00-19.05 21.30-22.00		Goyarkh and Gizil Oba villages, Tartar region, Azerbaijan	Firearm and machine gun	—
	21.10-21.35 22.10-22.30		Horadiz village, Fizuli region, Azerbaijan	Firearm and machine gun	—
25 September	03.00-03.10	One	Unknown heights, Goranboy region, Azerbaijan	Firearm and machine gun	—
26 September	17.10-17.50	Five	Unknown heights, Krasnoselsk region, Armenia	Firearm and machine gun	—
	19.40-19.50		Mosesgerkh village, Berd region, Armenia	Firearm and machine gun	—
	18.50-19.45 21.30-21.40		Ashagi Seyidahmadli, Alakhanli and Ashagi Abdulrahmanli villages, Fizuli region, Azerbaijan	Firearm and machine gun	—
27 September	04.50-05.20 02.15-02.45	Four	Gizil Oba village, Tartar region , Azerbaijan	Firearm and machine gun	—
	03.00-03.45		Marzili village, Fizuli region, Azerbaijan	Firearm and machine gun	Azerbaijani soldier Taleh Abbasov was killed
	11.20-11.25 18.45-18.50		Unknown heights, Fizuli region, Azerbaijan	Firearm and machine gun	—
	23.30-23.40		Mehdili village, Jabrayil region, Azerbaijan	Firearm and machine gun	—

Date	*Time*	*Direction*	*Fire point area*	*Weapons used*	*Casualties and damages*
28 September	06.30-06.50	Five	Goyarkh village, Tartar region, Azerbaijan	Firearm and machine gun	—
	13.10-13.40		Unknown heights, Berd region, Armenia	Firearm and machine gun	—
	22.20-22.35		Unknown heights, Jabrayil region, Azerbaijan	Firearm and machine gun	—
	22.21-22.45		Ashagi Abdulrahmanli and Gorgan villages, Fizuli region, Azerbaijan	Firearm and machine gun	—
29 September	00.30-00.50	Seven	Unknown heights, Khojavand region, Azerbaijan	Firearm and machine gun	—
	03.05-03.15 05.25-05.40		Shiklar and Bash Gervand villages, Agdam region, Azerbaijan	Firearm and machine gun	—
	17.55-18.00		Voskevan village, Noyanberyan region, Armenia	Firearm and machine gun	—
	18.00-18.10		Berkaber village, Ijevan region, Armenia	Firearm and machine gun	—
	22.00-22.15		Gulustan village, Goranboy region, Azerbaijan	Firearm and machine gun	—
	23.50-00.00		Shuraabad village, Agdam region, Azerbaijan	Firearm and machine gun	—
30 September	01.35-01.45	Four	Unknown heights, Dashkesan region, Azerbaijan	Firearm and machine gun	—
	09.50-10.20		Vozashen and Aygovin villages, Ijevan region, Armenia	Firearm and machine gun	—
	11.05-11.20		Unknown heights, Gadabay region, Azerbaijan	Firearm and machine gun	—

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Sixty-fifth session
Agenda item 98 (f)
Review and implementation of the Concluding Document of the Twelfth Special Session of the General Assembly: regional confidence-building measures: activities of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Security Council
Sixty-fifth year

Identical letters dated 13 October 2010 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General and the President of the Security Council

In my capacity as representative of the current Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa, I have the honour to transmit herewith the report of the thirtieth ministerial meeting of the Committee, held from 26 to 30 April 2010 in Kinshasa, Democratic Republic of the Congo (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-fifth session of the General Assembly, under agenda item 98 (f), and of the Security Council.

I should like to stress that this report, including the legal instrument annexed thereto, should be made available to States as soon as possible in order to facilitate the smooth organization of the Convention's opening for signature by the States of Central Africa, which is to be held on 19 November 2010 in Brazzaville (Republic of the Congo).

An identical letter has been sent to the President of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

10-58796 (F) 041110 081110

Please recycle

Annex to the identical letters dated 13 October 2010 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the Secretary-General and to the President of the Security Council

Report of the United Nations Standing Advisory Committee on Security Questions in Central Africa

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Annex

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A. Introduction

1. The thirtieth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa (UNSAC) was held in Kinshasa, Democratic Republic of the Congo, from 26 to 30 April 2010.

2. The following member States participated in the meeting: the Republic of Angola, the Republic of Burundi, the Republic of Cameroon, the Central African Republic, the Republic of Chad, the Democratic Republic of the Congo, the Republic of the Congo, the Republic of Equatorial Guinea, the Gabonese Republic, the Republic of Rwanda and the Democratic Republic of Sao Tomé and Principe.

3. The secretariat of the Committee was comprised of members of the United Nations Subregional Centre for Peace and Disarmament in Africa (UNREC). The High Representative of the Secretary-General for Disarmament Affairs was represented by Ms. Agnès Marcaillou, Chief of the Regional Disarmament Branch of the Office of Disarmament Affairs.

4. The following United Nations entities took part in the proceedings: the United Nations Centre for Human Rights and Democracy in Central Africa (UNCHRD-CA), the United Nations Peacebuilding Support Office in the Central African Republic (BONUCA) and the United Nations Development Programme (UNDP).

5. The following entities participated as observers: the secretariat of the Economic Community of Central African States (ECCAS), the Commission of the African Union (AU) and the International Organization of la Francophonie (OIF).

6. The opening ceremony featured:

- A message from the Secretary-General of the Economic Community of Central African States (ECCAS), read out by H.E. Mr. Roger Mengue Ekomié, coordinator for the Assistant Secretary-General in charge of the Department for Human Integration, Peace, Security and Stability;
- A message from the Chairperson of the Commission of the African Union, read out by H.E. Mr. Corentin Ki-Doulaye, representative of the African Union in the Republic of Chad;
- A message from the Secretary-General of the United Nations, read out by H.E. Ms. Sahle-Work Zewde, Special Representative of the Secretary-General in the Central African Republic;
- The opening statement by H.E. Mr. Alexis Thambwe Mwamba, Minister for Foreign Affairs of the Democratic Republic of the Congo.

7. The closing statement was delivered on 30 April 2010 by H.E. Mr. Alexis Thambwe Mwamba, Minister for Foreign Affairs of the Democratic Republic of the Congo.

B. Summary of proceedings

I. Election of the Bureau

8. H.E. Mr. Alexis Thambwe Mwamba, Minister for Foreign Affairs of the Democratic Republic of the Congo, was elected Chairman of the United Nations Standing Advisory Committee on Security Questions in Central Africa by acclamation.

9. The Committee also elected the following countries as members of the Bureau:

- First Vice-Chairman: Central African Republic
- Second Vice-Chairman: Republic of Equatorial Guinea
- Rapporteur: Republic of the Congo.

II. Adoption of the agenda

10. The Committee adopted the following agenda:

1. Election of the Bureau.
2. Adoption of the agenda.
3. Report of the outgoing Bureau, read by its Chairman.
4. Consideration of the revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.
5. Date and place of the next meeting.
6. Other matters.
7. Adoption of the report of the thirtieth ministerial meeting.

III. Report of the outgoing Bureau, read by its Chairman

11. The States members of the Committee took note of the report of the outgoing Bureau read by its Chairman. They commended the Chairman and the members of the Bureau on the dynamic way in which they had performed their duties, and, in particular, their contribution to the adoption of the General Assembly resolution on the Committee's activities and to the preparation and organization of the thirtieth ministerial meeting, carried out in close cooperation with the Committee secretariat.

12. The States members of the Committee also congratulated the Gabonese Republic on its outstanding election to the United Nations Security Council. In that regard, they welcomed the initiative taken by the Gabonese Presidency of the Security Council in March 2010 to hold a meeting on the topic: "Central African region: Impact of illicit arms trafficking on peace and security".

IV. Consideration of the revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly

13. In accordance with the decision taken by the States members of the Committee at its twenty-ninth ministerial meeting, document UNSAC/2010/30/WP.1, entitled "Revised draft legal instrument for the control, in Central Africa, of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly" was the basis for the exchanges of views among member States. It had been prepared by the United Nations Regional Centre for Peace and Disarmament in Africa.

14. The States members of the Committee commended the Regional Centre on the quality of the document and expressed their full satisfaction with its content. They reiterated their gratitude to the Government of Austria for its financial support.

15. The States members of the Committee expressed satisfaction that the United Nations Regional Centre for Peace and Disarmament in Africa had taken into account their comments and the contributions of the independent experts who had met on 12 and 13 March 2010 in Nairobi. This meeting of independent experts, most of whom were African, had enabled practitioners such as the representatives of ECCAS, the Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA), the Economic Community of West African States (ECOWAS) and international lawyers and experts to share with the Committee secretariat the experience they had gained from the formulation and implementation of similar legal instruments.

16. The revised draft legal instrument consists of a preamble and nine chapters.

17. It emerged from the discussions that the revised draft legal instrument reflects the latest developments in the area of regulating the trade in small arms and light weapons and of combating illicit trafficking. It also takes into account the political, security, cultural, legal and institutional specificities of the 11 States members of the Committee. The revised draft legal instrument is aimed at preventing, combating and eradicating illicit trade and trafficking in small arms and light weapons in Central Africa.

18. The States members of the Committee adopted the revised draft legal instrument and decided that its title should be: "Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly", or the "Kinshasa Convention". The document which was adopted is annexed to this report.

19. The States members of the Committee decided to refer to the adoption of the Convention in a resolution of the General Assembly at its sixty-fifth regular session, and to mention that the Convention would be opened for signature by member States at the thirty-first ministerial meeting.

20. The consideration of the revised draft legal instrument, chapter by chapter, may be summarized as follows:

- **Preamble and Chapter I: Purpose and definitions**

21. The States members of the Committee expressed satisfaction with the Preamble, which reflects their concerns about illicit trade and trafficking in small arms and light weapons in Central Africa. They took note of the references made to the link between women, peace and security and to the phenomenon of road blockers and cross-border insecurity. They also expressed satisfaction with the reference made to bladed weapons as tools that can be used for violent and criminal purposes in Central Africa.

22. The States members of the Committee decided that the purpose of the revised draft legal instrument was to prevent, combat and eradicate illicit trade and trafficking in small arms and light weapons in Central Africa. They also expressed agreement with the strengthening of inter-State cooperation, collaboration between the public authorities and civil society organizations, and the monitoring of authorized activities such as transfers, manufacture, possession or use of small arms and light weapons.

23. The States members of the Committee accepted the definitions set forth in the revised draft legal instrument. These definitions derive from relevant texts in existence and/or endorsed at the subregional, regional and international levels.

- **Chapter II: Transfers**

24. The States members of the Committee accepted a regime for authorization of transfers of weapons and ammunition. They noted that transfers are authorized only for States, and only for necessities of maintaining law and order, defence or participation in peacekeeping operations. On the other hand, transfers are strictly prohibited for non-State armed groups.

- **Chapter III: Possession by civilians**

25. The States members of the Committee decided to prohibit the possession of small arms by civilians and to authorize, under certain conditions, the possession of light weapons by civilians with the exception of weapons manufactured to military specifications.

26. The States members of the Committee also provided for the adoption of specific national measures to control the possession of light weapons by civilians.

- **Chapter IV: Manufacture, distribution and repair**

27. The States members of the Committee authorized, under certain conditions, the industrial manufacture and home production of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

- **Chapter V: Operational procedures**

28. The States members of the Committee decided that all activities linked to brokering in weapons and ammunition should be regulated at the national level, including registration of private individuals and companies established or operating as brokers. The members also decided that all weapons and their ammunition would be systematically marked in accordance with precise technical specifications.

29. Furthermore, the States members of the Committee agreed to adopt a tracing procedure to enable the transfer of weapons and ammunition to be monitored. They also indicated their agreement concerning the need to systematically register, collect and destroy all surplus, obsolete or illicit arms and ammunition.

30. The States members of the Committee decided to maintain the security of depots and to adopt the necessary administrative measures to manage stockpiles. States would also be required to maintain border control and to designate a precise number of points for entry of arms and ammunition into their territories.

31. The States members of the Committee decided to develop public and community education and awareness programmes at the local, national and regional levels to promote greater public and community involvement.

- **Chapter VI: Transparency and exchange of information**

32. The States members of the Committee decided to promote transparency and the exchange of information and to strengthen confidence among them. They decided to establish and maintain centralized national electronic databases on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

33. In addition, the States members of the Committee entrusted the Secretary-General of ECCAS with establishing and maintaining a subregional electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly. The Secretary-General of ECCAS would also establish and maintain, in order to ensure control of their movement, a subregional database on weapons used in peacekeeping operations. He would take the necessary steps to cooperate with international suppliers and to ensure that they conform to the spirit and letter of the legal instrument.

- **Chapter VII: Harmonization of national legislation**

34. The States members of the Committee agreed to revise, update and harmonize their respective national legislation, including provisions to criminalize or impose civil penalties on certain practices.

35. Furthermore, appropriate mechanisms would be established or strengthened to combat corruption linked to illicit manufacture, possession and use of, and trafficking in, small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

- **Chapter VIII: Institutional arrangements and implementation**

36. The States members of the Committee decided to appoint national focal points on small arms and light weapons in their respective countries. In addition, they decided to create national commissions to coordinate action to combat illicit trade and trafficking in small arms and light weapons. The focal points would also serve as permanent secretaries and/or chairmen of the national commissions.

37. The States members of the Committee also agreed to provide the secretariat of ECCAS with the institutional and operational capacities commensurate with its responsibilities in implementing the legal instrument. The secretariat of ECCAS

would, among other tasks, have the responsibility of facilitating the establishment of a network of civil society organizations, mobilizing the necessary resources, providing financial and technical support to member States and non-governmental organizations, preparing an annual report and ensuring follow-up and appraisal of the implementation of the legal instrument.

- **Chapter IX: General and final provisions**

38. The States members of the Committee decided that accession to the Convention would be open to all States members of the Committee. However, any other interested State not a member of the Committee may also accede upon a decision to that end by the Conference of States Parties.

39. In addition, the Secretary-General of the United Nations is designated the depositary of the Convention, which will enter into force on the date of deposit of the sixth instrument of ratification.

- **Plan for implementation of the legal instrument**

40. The States members of the Committee considered in first reading document UNSAC/2010/30/WP.2 entitled "Preliminary draft plan for implementation of the legal instrument". At the request of States, it was prepared by the United Nations Regional Centre for Peace and Disarmament in Africa to accompany the legal instrument. It includes actions to be undertaken by member States at the national level and by the ECCAS secretariat at the subregional level. The actions consist of three types: institutional, prescriptive and operational measures.

41. The States members of the Committee commended the Regional Centre for Peace and Disarmament in Africa on the quality of the document. They recommended that each member State should, at the national level, consider the preliminary draft plan for implementation of the legal instrument, with the participation of the various ministries. The States members of the Committee decided to draft written recommendations at the close of the said consultations and to transmit them to the committee secretariat by 31 July 2010 at the latest.

42. The States members of the Committee decided to include in the agenda of the thirty-first ministerial meeting consideration of the preliminary draft plan for implementation of the Convention, the text of which should be sent to them one month before the holding of the ministerial meeting.

V. Date and place of the next meeting

43. The States members of the Committee decided to hold the thirty-first ministerial meeting in November 2010.

44. The States members of the Committee recommended that the Secretariat should hold consultations to decide on the venue and precise dates, which would be communicated to the member States in due course.

VI. Other matters

45. The States members of the Committee followed attentively the important statement by the head of the delegation of Cameroon on maritime piracy in the Gulf of Guinea. Given the seriousness and urgency of the problem, they recommended that ECCAS and the Commission of the Gulf of Guinea should organize as soon as possible a subregional conference on maritime piracy in Central Africa. The members also recommended that the item should be included in the agenda of the thirty-first ministerial meeting.

VII. Adoption of the report of the thirtieth ministerial meeting

46. The States members of the Committee adopted the present report on 30 April 2010. They expressed their appreciation to the United Nations Office for Disarmament Affairs for the technical assistance and expertise that it continues to provide to them.

47. The States members of the Committee reiterated their gratitude to the Secretary-General of the United Nations for the support given by the Organization to the work of the Committee, and for its contribution to peace and security in Central Africa.

C. Expressions of thanks

48. The following expression of thanks was read out by the head of the delegation of the Democratic Republic of Sao Tomé and Principe:

> "We, representatives of the States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, gathered on the occasion of the thirtieth ministerial meeting, from 26 to 30 April 2010, in Kinshasa, Democratic Republic of the Congo;
>
> – Reaffirm our attachment to the ideals of peace, stability and security that are so necessary for our respective peoples and for the socio-economic development of our subregion;
>
> – Welcome the efforts made by our countries, individually and collectively, to promote peace, security, stability and development, including through the adoption of a convention for the control of small arms and light weapons in our subregion;
>
> – Welcome the atmosphere of conviviality, brotherhood and mutual trust that has prevailed throughout our work;
>
> – Express our sincere thanks and our profound gratitude to His Excellency Mr. Joseph Kabila Kabange, President of the Democratic Republic of the Congo, and to the Congolese Government and people, for the warm and fraternal welcome we have received during our stay in the Democratic Republic of the Congo."

49. The following special expression of thanks was read out by the Deputy Minister for Foreign Affairs, International Cooperation and la Francophonie of the Gabonese Republic:

"We, States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, having participated in the thirtieth ministerial meeting, held from 26 to 30 April 2010 in Kinshasa, Democratic Republic of the Congo;

- Resolved to make our subregion a zone of peace, stability and security conducive to the economic and social development of our respective States;

- Satisfied with the adoption of the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly;

Express our profound gratitude to the United Nations Office for Disarmament Affairs and the Regional Centre for Peace and Disarmament in Africa for the excellent work accomplished and the outstanding collaboration achieved during the drafting of the instrument."

Done at Kinshasa on 30 April 2010

Annex

Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly

Summary

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PREAMBLE

We, Heads of State and Government of the States members of the Economic Community of Central African States (ECCAS) and the Republic of Rwanda, and States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa ("the Committee");

Recalling the principles of the Charter of the United Nations, especially those concerning disarmament and arms control and those inherent in the right of States of individual or collective self-defence, non-intervention and non-interference in the internal affairs of another State, and prohibition of the use or threat to use force;

Taking into account the importance of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime; the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects; the International Instrument to Enable States to Identify and Trace, in a Timely and Reliable Manner, Illicit Small Arms and Light Weapons; and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;

Reaffirming the importance of United Nations Security Council resolution 1325 (2000) and subsequent resolutions 1820 (2008), 1888 (2009) and 1889 (2009) on women, peace and security;

Taking into account the importance of the United Nations Convention on the Elimination of All Forms of Discrimination against Women, and also the Windhoek Declaration and the Namibia Plan of Action on Mainstreaming a Gender Perspective in Multidimensional Peace Support Operations;

Reaffirming also the importance of Security Council resolution 1612 (2005) and subsequent resolutions on children and armed conflict and condemning the recruitment of children in armed forces and their participation in armed conflicts;

Recalling also the relevant provisions of the Constitutive Act of the African Union and the Bamako Declaration on an African Common Position on the Illicit Proliferation, Circulation and Trafficking of Small Arms and Light Weapons;

Aware of the harmful effects on development of the chaotic proliferation and uncontrolled circulation of small arms and light weapons, and the fact that poverty and the lack of prospects for a better future create conditions conducive to the misuse of such arms, especially by youth;

Taking account also of the actions taken under the Brazzaville Programme of Priority Activities for the implementation in Central Africa of the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects;

Taking account also of the importance of instruments for the implementation of confidence-building measures among Central African States, such as the Non-Aggression Pact, the Mutual Assistance Pact and the Protocol relating to the Council for Peace and Security in Central Africa (COPAX).

Considering that the illicit trade and trafficking in small arms and light weapons poses a threat to the stability of States and to the security of their populations by, inter alia, promoting armed violence, prolonging armed conflict and encouraging the illicit exploitation of natural resources;

Mindful of the need to ensure that peace and security remain one of the major goals of relations among Central African States;

Taking into account the porous nature of borders between our States and how difficult it is for States to stop the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

Recalling that bladed weapons are tools that can be used for violent and criminal purposes;

Anxious to fight the phenomenon of roadblockers, cross-border insecurity and organized crime;

Recognizing the important contribution of civil society organizations in the fight against the illicit trade and trafficking in small arms and light weapons;

Taking into account that certain members of the Committee have signed the Protocol on the Control of Firearms, Ammunition and Other Related Materials in the Southern African Development Community Region and the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, and considering that this Convention is fully consistent with the efforts being made by the Central African States to combat illicit weapons at the subregional, continental and global level;

Bearing in mind the adoption on 18 May 2007, of the Sao Tomé Initiative whereby the States that are members of the Committee decided, inter alia, to draw up a legal instrument on the control of small arms and light weapons in Central Africa;

Have agreed as follows:

CHAPTER I: PURPOSE AND DEFINITIONS

Article 1: Purpose

The purpose of this Convention is to:

1. Prevent, combat and eradicate, in Central Africa, the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

2. Strengthen the control, in Central Africa, of the manufacture, trade, movement, transfer, possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

3. Combat armed violence and ease the human suffering caused in Central Africa by the illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

4. Foster cooperation and confidence among States Parties and cooperation and dialogue among Governments and civil society organizations.

Article 2: Definitions

For the purposes of this Convention:

(a) Small arms and light weapons: any man-portable lethal weapon that expels or launches, is designed to expel or launch, or may be readily converted to expel or launch a shot, bullet or projectile by the action of an explosive, excluding antique small arms and light weapons or their replicas. Antique small arms and light weapons and their replicas shall be defined in accordance with domestic law. In no case shall antique small arms and light weapons include those manufactured after 1899;

(b) Small arms: broadly speaking, weapons designed for individual use. They include, inter alia, revolvers and self-loading pistols, rifles and carbines, sub-machine guns, assault rifles and light machine guns;

(c) Light weapons: broadly speaking, weapons designed for use by two or three persons serving as a crew, although some may be carried and used by a single person. They include, inter alia, heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of a calibre of less than 100 millimetres;

(d) Ammunition: the complete round or its components, including cartridge cases, primers, propellant powder, bullets or projectiles, that are used in a firearm, provided that those components are themselves subject to authorization in the respective State Party;

(e) Transfer: the import, export, transit, trans-shipment and transport or other movement to, across and from the territory of one State Party of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(f) Illicit: anything done in violation of the provisions of this Convention;

(g) Illicit manufacturing: manufacturing or assembly of small arms and light weapons, their parts and components or their ammunition:

- from parts and components illicitly trafficked;
- without a licence or authorization from a competent authority of the State Party where the manufacture or assembly takes place;
- without marking the small arms and light weapons at the time of manufacture, in accordance with this Convention;

(h) Illicit trafficking: the import, export, acquisition, sale, delivery, movement or transfer of small arms and light weapons, their ammunition and parts and components that can be used for their manufacture, repair and assembly from across the territory of one State Party to that of another State Party if any one of the States Parties concerned does not authorize it in accordance with the terms of this

Convention or if the weapons and ammunition are not marked in accordance with this Convention;

(i) Parts and components: that can be used for the manufacture, repair and assembly of small arms and light weapons and their ammunition (9): any element or replacement element specifically designed for small arms or light weapons and essential to their operation, including a barrel, frame or receiver, slide or cylinder, bolt or breechblock, and any device designed or adapted to diminish the sound caused by firing a such a weapon, and any chemical substance serving as an active material and used as a propellant or explosive agent;

(j) Tracing: the systematic tracking of illicit small arms and light weapons, their ammunition and parts and components that can be used for their manufacture, repair or assembly, found or seized in the territory of a State from the point of manufacture or the point of importation through the lines of supply to the point at which they became illicit;

(k) Broker: any person or entity acting as an intermediary that brings together relevant parties and arranges or facilitates a potential transaction of small arms and light weapons in return for some form of benefit, whether financial or otherwise;

(l) Brokering activities: can take place in the broker's country of nationality, residence or registration; they can also take place in another country. The small arms and light weapons do not necessarily pass through the territory of the country where the brokering activity takes place, nor does the broker necessarily take ownership of them;

(m) Activities closely associated with brokering: activities that do not necessarily, in themselves, constitute brokering may be undertaken by brokers as part of the process of putting a deal together to gain a benefit. These may include, for example, acting as dealers or agents in small arms and light weapons, providing for technical assistance, training, transport, freight forwarding, storage, finance, insurance, maintenance, security and other services;

(n) Non-State armed group: a group that could potentially use weapons as part of its use of force in order to achieve political, ideological or economic goals, but which is not part of the formal military establishment of a State, alliance of States or intergovernmental organization and over which the State in which it operates has no control;

(o) Civil society organization: any non-State, not-for-profit, voluntary, non-political organization that is registered with the competent authorities and that has an official structure and acts within the social sphere;

(p) Marking: mark on a weapon or ammunition that makes it easy to identify in accordance with this Convention;

(q) Central Africa: the geographical area covering the 11 States that are members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, namely, the Republic of Angola, the Republic of Burundi, the Republic of Cameroon, the Central African Republic, the Republic of Chad, the Republic of the Congo, the Democratic Republic of the Congo, the Republic of Equatorial Guinea, the Gabonese Republic, the Republic of Rwanda and the Democratic Republic of Sao Tomé and Principe;

(r) End-user certificate: document used to identify, monitor and certify the end-user and the intended end use before the competent authorities issue an import or export licence;

(s) Visitor's certificate: a document giving a visitor temporary authorization for the duration of their stay in a State Party to this Convention, to bring their weapons into or through the country and to use them, as appropriate, for purposes specified by the competent national authorities;

(t) Destruction: process whereby a weapon, ammunition or explosive is rendered permanently inert so that it can no longer operate as it was designed to operate;

(u) National stockpile: all the small arms and light weapons, their ammunition and all parts and components that can be used for the their manufacture, repair and assembly held by a country, including those in the possession of the armed forces, security forces and manufacturing firms working for the State;

(v) Management of the national stockpile: procedures and activities to ensure safe and secure storage, transport, handling, accounting and recording of small arms and light weapons, their ammunition and all parts and components that can be used for the manufacture, repair and assembly of such weapons.

CHAPTER II: TRANSFERS

Article 3: Authorization of transfers to States

1. States Parties shall authorize the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from other States.

2. The only grounds for authorizing the transfers are that they are necessary in order to:

(a) Maintain law and order, or for defence or national security purposes;

(b) Participate in peacekeeping operations conducted under the aegis of the United Nations, the African Union, the Economic Community of Central African States or other regional or subregional organizations of which the State Party concerned is a member.

Article 4: Prohibition of transfers to non-State armed groups

States Parties shall prohibit any transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from their respective territories to non-State armed groups.

Article 5: Procedure and conditions for the issuance of transfer authorizations

1. States Parties shall set up, and maintain at the national level, a system for authorizing the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to, through and from their respective territories.

2. States Parties shall each designate a national body to be responsible for handling issues relating to the issuance of transfer authorizations both to public institutions and to qualified private actors, in accordance with the national laws and regulations in force.

3. States Parties shall require that any request for a transfer authorization from a public institution or a private individual be addressed by the applicant to the competent national body and that it contain, at the very least, the following information:

(a) Quantity, nature and type of weapon, including all the information concerning markings in accordance with this Convention;

(b) Name, address and contact details of the supplier and his representative;

(c) Name, address and contact details of the companies and individuals involved in the transaction, including brokers;

(d) Number and time frame of shipments, routes, transit locations, type of transport used, companies involved in importing, forwarding agents and relevant information about storage conditions;

(e) End-user certificate;

(f) Description of the end use of the small arms and light weapons, ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(g) Designation of where they are to be loaded and unloaded.

4. When issuing a transfer authorization States Parties shall include, at the very least, the following information:

(a) Place and date of authorization;

(b) Date the authorization expires;

(c) Exporting, importing, trans-shipment or transit country;

(d) Name and full and up-to-date details of end-user and broker;

(e) Quantity, nature and type of weapons concerned;

(f) Name and full and up-to-date details of the end-user and signature of applicant;

(g) Practical means of transport, complete details regarding the carrier and time frame for transport;

(h) Name and full and up-to-date details and signature of the authority issuing the authorization.

5. Notwithstanding the provisions of article 3 and the national laws and regulations in force the States Parties agree that a transfer authorization shall be denied by the competent national body if:

(a) There is a possibility that the small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly might be diverted, in the importing or transit State, to unauthorized use or users or to illicit trade, or even re-exported;

(b) The small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly are to be or might be used to commit violations of international human rights law or international humanitarian law; to commit war crimes, genocide or crimes against humanity; or for terrorist purposes;

(c) The transfer of the small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly might violate an international arms embargo;

(d) The applicant has, on the occasion of a prior transfer, violated the letter and spirit of national texts in force that regulate transfers and the provisions of this Convention;

6. The States Parties shall take the necessary steps to harmonize, at the subregional level, administrative procedures and supporting documents for authorizations for the transfer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 6: End-user certificate

1. The States Parties shall draw up an end-user certificate and the administrative procedures and supporting documents needed for such certificates. A certificate shall be issued for each import shipment and shall be contingent upon the applicant's having obtained an import authorization issued by the competent authorities.

2. The States Parties shall harmonize the contents of the end-user certificates at the subregional level.

CHAPTER III: POSSESSION BY CIVILIANS

Article 7: Prohibition of the possession of small arms by civilians

1. The States Parties shall enact provisions, in accordance with the laws and regulations in force, to prohibit the possession, carrying, use and trade of small arms by civilians within their respective territories.

2. The States Parties shall enact national laws and regulations to penalize the possession of small arms by civilians.

Article 8: Authorization of the possession of light weapons by civilians

1. The States Parties shall determine, in accordance with the laws and regulations in force, the conditions for authorization of the possession, carrying, use and trade by civilians of light weapons, except for those manufactured to military specifications, such as sub-machine guns, assault rifles and light machine guns.

2. The States Parties shall define the administrative procedures governing requests for and issuance of licences for the possession, carrying, use and trade of light weapons by civilians. A licence shall be issued for each light weapon in the possession of a civilian.

3. The States Parties shall issue licences only to civilians who meet, at a minimum, the following conditions:

(a) Are of legal age, as defined by the national legislation;

(b) Have no criminal record and have undergone a good conduct investigation;

(c) Are not involved in any criminal proceedings and do not belong to a gang or a group of bandits;

(d) Provide a valid reason for the need to possess, carry, use and trade in light weapons;

(e) Prove that they are familiar with the laws governing light weapons;

(f) Provide proof that the light weapon will be stored in a safe place and separately from its ammunition;

(g) Have no record of domestic violence or any psychiatric history;

(h) Provide a complete and up-to-date physical address.

4. The States Parties shall impose a limit on the number of light weapons that may be possessed by the same individual.

5. The States Parties shall establish a minimum period of 30 days and any additional time they deem appropriate before a licence is issued in order to enable the competent authorities to do all the necessary checking.

6. Licences granted to civilians for the possession of light weapons must include an expiration date not to exceed five years. At the expiration of each licence, requests for renewal shall be subject to a complete review of the conditions cited in paragraph 3 of this article.

7. Persons wishing to turn in their weapons must voluntarily deposit them, against receipt, either at the powder magazine of the competent administration or at the police station or gendarmerie nearest to their domicile. Weapons thus turned in voluntarily shall become the property of the State and shall be transferred, if necessary, to the powder magazine for their destruction.

8. The States Parties shall enact laws and regulations for the strict prohibition of the carrying of light weapons by civilians in public places.

Article 9: Measures for control of the possession of light weapons by civilians

1. The States Parties shall determine by law or by regulation the national administrative procedures and measures for the granting or withdrawal of licences for the possession of light weapons.

2. The States Parties shall revise, update and harmonize national administrative procedures and measures for the granting and withdrawal of authorizations for the possession of light weapons.

3. The States Parties shall establish norms and standards for the proper management of stocks of weapons and ammunition possessed by civilians, particularly manufacturers and dealers.

4. The States Parties shall define by law or regulation the penalties, including civil and criminal penalties, for violations with respect to the possession of light weapons by civilians.

5. The States Parties shall keep a register of owners and dealers of light weapons in their respective territories and shall maintain an electronic database pertaining thereto.

6. The States Parties shall set up a subregional common system for verification of the validity of licences granted at the national level for the possession of, carrying, use and trade in light weapons by civilians. They shall establish for that purpose an electronic database of licences accessible to the competent services of each of the States Parties.

Article 10: Visitor's certificate

1. The States Parties shall require that civilians without authorization for the possession of light weapons valid in the State in question who wish to import or ship in transit, through their respective territories light weapons and their ammunition in their possession must obtain a visitor's certificate authorizing temporary import for the length of their stay or temporary transit.

2. The States Parties shall designate the competent national body responsible for dealing with matters connected with the issuance of visitors' certificates.

3. The States Parties stipulate that the visitors' certificates must include, as a minimum, all the following information: number of weapons, proof of ownership of the weapons, as well as their technical specifications, including the marking components, in order to establish their legality under national laws and the provisions of this Convention.

4. The States Parties shall set the maximum number of light weapons eligible for a visitor's certificate and the maximum duration of temporary import. They shall determine the duration of validity and number of certificates that may be granted to each visitor per year.

5. Every weapon in the possession of a visitor must have its own certificate. All weapons must be marked in accordance with the provisions of this Convention.

6. The States Parties undertake to harmonize the procedures for obtaining visitors' certificates and to prepare and publish an annual report on the visitors' certificates issued and denied.

CHAPTER IV: MANUFACTURE, DISTRIBUTION AND REPAIR

Article 11: Authorization for manufacture, distribution and repair

1. The industrial manufacture and home production of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly shall be subject to the granting of a licence and to strict control by the States Parties in the territories in which these activities are carried out.

2. The States Parties shall define by law or regulation the rules and procedures governing the industrial manufacture and home production as well as the

distribution of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly. They undertake to adopt policies and strategies for the reduction and/or limitation of the local manufacture of small arms and light weapons and their ammunition.

3. The States Parties stipulate that activities with respect to the manufacture, distribution and repair of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly which are carried out without a licence are illicit and make their authors liable to penalties, including criminal penalties.

4. The States Parties undertake to define in their respective national legislation the conditions for granting a licence for the manufacture, distribution and repair of small arms and light weapons for legal entities.

5. The States Parties shall issue licences for manufacture, distribution and repair only to individuals who meet, at a minimum, the following conditions:

(a) Are of legal age, as defined by the national legislation in force;

(b) Have no criminal record and have undergone a good conduct investigation;

(c) Prove that they are familiar with the laws governing small arms and light weapons;

(d) Provide proof that the weapons and ammunition have been manufactured, distributed or repaired in conformity with the appropriate safety and security norms and procedures established by the laws and regulations in force;

(e) Have no history of domestic violence, no psychiatric history and no conviction for a crime using a small arm or a light weapon or violation of the legal provisions relating to the carrying of light weapons by civilians.

6. The States Parties shall ensure that licences are issued for a specific period not to exceed five years, after which every licence-holder must submit a request for renewal to the competent national authorities.

Article 12: Measures for the control of manufacture, distribution, repair and enforcement

1. The States Parties stipulate that manufacturers, distributors and repairers shall provide the competent authorities with information concerning compliance with the rules and procedures in force with respect to the registration, storage and management of weapons and ammunition.

2. The States Parties stipulate that each small arm and light weapon, as well as all ammunition, must be marked at the time of manufacture, in accordance with the provisions of this Convention.

3. The States Parties shall establish norms and standards for the proper management of stocks of weapons and ammunition which have been manufactured and distributed so as to ensure their safety and security, and shall monitor compliance by authorized manufacturers, distributors and repairers.

4. The States Parties undertake to monitor and inspect manufacturers, distributors and repairers so as to ensure compliance with the laws and regulations in force.

5. The States Parties shall exercise the appropriate enforcement powers under their national laws, as well as their international obligations, in order to ensure that those who do not abide by the laws and regulations governing the activities of manufacturers, distributors and repairers of small arms and light weapons and their ammunition are subject to penalties, including the revocation of their licences and/or the confiscation of stocks.

6. The States Parties shall ensure that every entity holding a licence for manufacture, distribution or repair maintains an electronic database and a register in paper form to enable the competent authorities to monitor its activities.

CHAPTER V: OPERATIONAL PROCEDURES

Article 13: Brokering

1. The States Parties shall register private individuals and companies established or operating in their respective national territories as brokers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, regardless of their nationality.

2. The States Parties also stipulate that brokers are required to register in their country of origin and in their country of residence.

3. The States Parties undertake to enact laws and regulations limiting the maximum number of weapons brokers or brokering companies established or operating in their respective territories.

4. Without prejudice to the provisions of paragraph 1 of this article, financial and shipping agents of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, which are established and operating within or outside the territory of each State Party shall also be subject to registration.

5. The States Parties stipulate that financial and shipping agents of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly must make financial transactions for the relevant operations through bank accounts that are traceable by the competent national authorities.

6. Brokers, including financial and shipping agents, who do not register with the competent national authorities, shall be considered illegal.

7. The States Parties shall require that all brokers, including financial and shipping agents duly registered with the competent national authorities, shall obtain a license in their country of origin or in their country of residence for each individual transaction in which they are involved, regardless of where the arrangements concerning the transaction are to be made.

8. The States Parties shall adopt legislative and regulatory measures to punish and establish as a criminal offence the illicit brokering of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 14: Marking and tracing

1. The States Parties shall enact the necessary legislative and regulatory provisions to ensure that all small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are found in their respective territories bear a unique and specific marking applied upon manufacture or import.

2. All small arms and light weapons and all ammunition which is not marked in accordance with this Convention shall be considered illicit. Unless marked for use under the conditions defined by national laws and regulations and this Convention, such weapons and ammunition must be duly recorded and destroyed.

3. Marking shall be in alphanumeric script and must be legible. It shall be applied to as many parts of weapons as possible, but must appear on the barrel, the frame and especially, the breachblock.

4. Marking on ammunition must appear first of all on the case containing the powder or liquid used in the ammunition or the explosive.

5. The marking of weapons under this Convention shall include, at a minimum, the following elements:

(a) The unique serial number of the weapon;

(b) Identification of the manufacturer;

(c) Identification of the country of manufacture;

(d) Identification of the year of manufacture;

(e) Calibre;

(f) The ministerial department or State body under whose responsibility the weapon falls.

6. Importing countries must mark weapons and provide the year of import.

7. Without prejudice to the provisions of paragraph 2 of this article, and in order to increase the effectiveness of the marking and tracing of manufactured and/or imported weapons, a security marking shall also be applied. It shall be made on parts which are hard to access after manufacture so as to enable identification of the weapon in the event that the classic marking is obliterated or falsified.

8. The security marking shall include the elements described in paragraph 5 of this article.

9. For ammunition, the marking shall include:

(a) A unique batch number;

(b) Identification of the manufacturer;

(c) Identification of the country and year of manufacture;

(d) Identification of the purchaser, the ammunition and the country of destination if this information is known at the time of manufacture.

10. The States Parties shall adopt a tracing procedure and may submit a tracing request to the Secretary-General of ECCAS, to any other organization to which they

belong, or to another State, in respect of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly found within their respective territorial jurisdictions and deemed illicit.

11. The States Parties shall ensure that the national Interpol offices are fully operational, and are able to request assistance from the headquarters of Interpol in the tracing of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 15: Registration, collection and destruction

1. The States Parties shall conduct semi-annual inspections to evaluate and inventory stockpiles and the conditions under which small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly in the possession of the armed and security forces and other authorized bodies are stored.

2. The States Parties shall collect, seize and register small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit.

3. The States Parties shall systematically destroy small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit and shall transmit the relevant information to the subregional database established by the Secretary-General of ECCAS.

4. The States Parties shall keep information concerning the destruction of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are surplus, obsolete or illicit, in national electronic databases for a minimum of 30 years.

5. The States Parties shall adopt the most effective techniques for destruction, in accordance with the international norms in force.

6. The States Parties shall conduct joint operations to locate, seize and destroy illicit caches of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 16: Management and security of stockpiles

1. The States Parties shall maintain the security of depots and ensure the proper management of stockpiles of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly at all times. For that purpose, they shall define and harmonize the necessary administrative measures and procedures for stockpile management, security and storage.

2. The administrative measures and procedures referred to in paragraph 1 of this article shall take into account, inter alia, determination of appropriate storage sites, establishment of physical security measures, definition of procedures for inventory management and recordkeeping, staff training and the identification of measures to ensure security during manufacture and transport.

3. The States Parties shall establish national inventories of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that are in the possession of the armed and security forces and any other competent State body.

4. The States Parties shall adopt the necessary administrative measures and procedures to strengthen the capacity to manage and secure stores of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly belonging to the armed and security forces and any other competent State body.

Article 17: Border control

1. The States Parties undertake to adopt appropriate legislative and regulatory measures to strengthen border control in order to put an end in Central Africa to the illicit traffic in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The States Parties shall establish fully operational customs administrations which shall cooperate with the international customs organization and Interpol, including in requesting their assistance to ensure effective control of small arms and light weapons and their ammunition at border entry points.

3. The States Parties agree to submit small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly to the border controls and taxation in force at the national level.

4. The States Parties undertake to develop and strengthen their cooperation at borders and specifically to organize joint and mixed transborder operations and patrols so as better to control the circulation of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

5. The States Parties undertake to strengthen border controls by inter alia setting up mobile border posts equipped with non-intrusive technical facilities and by establishing a mechanism for cooperation and a system for the exchange of information among the border countries, in accordance with the provisions of this Convention.

Article 18: Points of entry of small arms and light weapons

1. Without prejudice to their other border control measures, the States Parties shall determine and secure in their respective territories the mode of transport for export and import, as well as a precise and limited number of points of entry for small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The States Parties shall determine the order of precedence of the competent services over border controls with respect to small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

3. The States Parties shall designate other competent bodies which may support the customs services in controlling small arms and light weapons and their ammunition at the border entry points.

4. The States Parties stipulate that small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly that do not pass through the official entry points are illicit.

5. The States Parties shall take the measures necessary for regular controls at official entry points, as determined by the competent authorities, over all of their respective territories.

Article 19: Education and awareness programmes

1. The States Parties undertake to develop public and community education and awareness programmes at the local, national and regional levels to promote greater public and community involvement and to support the efforts to combat illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The education and awareness programmes shall aim to promote a culture of peace and involve all sectors of society, including civil society organizations.

CHAPTER VI: TRANSPARENCY AND EXCHANGE OF INFORMATION

Article 20: National electronic database

1. The States Parties shall establish and maintain, at the national level, a centralized electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The data shall be kept in the national databases for a minimum of 30 years, including marking procedures and all other relevant and related data.

3. All the data in the national electronic databases must also be kept by each State Party in paper form in a centralized national register.

4. The following information shall be registered in the database:

(a) Type or model, calibre and quantity of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, found in the national territory of each State Party, including those manufactured locally;

(b) The content of the marking as indicated in the present Convention;

(c) The names and addresses of the former and current owners of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly and, if applicable, subsequent owners;

(d) The date of registration of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(e) The name and address of the shipper, any intermediary, the consignee and the user indicated on the end-user certificate;

(f) The origin, points of departure, transit, if applicable, entry and destination, as well as the customs notations and the dates of departure, transit and delivery to the end-user;

(g) Full details concerning export, transit and import licences (quantities and batches corresponding to the same licence as well as the validity of the licence);

(h) Full details concerning method(s) of shipment and shipper(s); the monitoring agency or agencies (on departure, at the point of transit if applicable and on arrival);

(i) Description of the nature of the transaction (commercial or non-commercial, private or public, conversion, repair); and, where applicable, complete information concerning the insurer and/or the financial institution involved in the operation;

(j) Information concerning civilian owners of light weapons, in particular: name, address, marking of the weapon, licences;

(k) The name and complete and up-to-date addresses of every home producer or industrial manufacturer, every distributor and every repairer of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 21: Subregional electronic database

1. The States Parties stipulate that the Secretary-General of ECCAS shall establish and maintain as a means of promoting and strengthening confidence, a subregional electronic database of transfers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The information shall be kept in the subregional database for a minimum of 30 years, including marking procedures and all other relevant and related data.

3. The Secretary-General of ECCAS, in conjunction with the States Parties, shall determine the modalities for the establishment and management of the subregional database, including all the areas to be covered.

4. The States Parties shall periodically provide the Secretary-General of ECCAS with information to be included in the subregional electronic database, including information relating to marking procedures and all other relevant and related data.

5. The States Parties shall submit to the Secretary-General of ECCAS an annual report on the management and operation of their respective national databases.

6. The Secretary-General of ECCAS shall prepare for the States Parties an annual report regarding the management and operation of the subregional database.

7. All the data in the subregional database must also be kept by the Secretary-General of ECCAS in a subregional register in paper form.

Article 22: Subregional electronic database of weapons used in peacekeeping operations

1. The States Parties stipulate that the Secretary-General of ECCAS shall establish and maintain, in order to ensure control of their movement, a subregional

electronic database of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly intended for use in peacekeeping operations.

2. The States Parties stipulate that the data, including data relating to weapons and ammunition collected during disarmament, demobilization and reintegration operations, shall be kept in the subregional database of weapons used in peacekeeping operations for a minimum of 30 years.

3. The States Parties stipulate that the Secretary-General of ECCAS, in conjunction with the States Parties, shall determine the modalities for the establishment and management of the subregional database of weapons used in peacekeeping operations, including all the areas to be covered.

4. The States Parties shall provide the Secretary-General of ECCAS with all the information to be included in the database of weapons used in peacekeeping operations, including information relating to marking procedures and all other relevant and related data.

5. All the data in the subregional database of weapons used in peacekeeping operations must also be kept by each State Party in a national register, in paper form, and by the Secretary-General of ECCAS in a subregional register in paper form.

Article 23: Dialogue with international manufacturers and international organizations

1. The States Parties shall communicate with international producers and suppliers of arms, as well as the competent international and regional organizations, and may also request the Secretary-General of ECCAS for relevant information, including information relating to peacekeeping operations, with a view to the exchange of information and the strengthening of the implementation of this Convention.

2. The Secretary-General of ECCAS shall also take the necessary steps to ensure that international weapons manufacturers support, respect and conform to the spirit and letter of this Convention through, inter alia, the signing of memorandums of understanding and/or framework agreements for cooperation.

Article 24: Confidence-building

1. In order to strengthen confidence, the States Parties shall establish a system of judicial cooperation and shall share and exchange information through the customs, police, water and forest services, the gendarmerie, the border guards or any other competent State body.

2. The information exchanged may concern criminal groups and networks of illicit trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

3. The States Parties shall also exchange information on sources and supply routes, consignee States, means of transport and any financial support available to the groups indicated in paragraph 2 of this article.

4. Each State Party shall inform the others of the convictions of individuals or legal entities involved in manufacture, trade or illicit trafficking decided by its courts. The information shall also cover any seizure and destruction operations.

5. Without prejudice to other actions they might take, the States Parties shall also exchange data relating to:

(a) Manufacture (marking system and techniques, authorized manufacturers);

(b) Transfers (exports to and/or imports from any other State, transit, available information concerning national legislation, existing practices and controls, authorized dealers and brokers);

(c) Existing stockpiles (security, destruction, losses, thefts, illicit seizures).

6. The cooperation mechanism and the system for the exchange of information must make it possible, inter alia, to improve the capacity of the security forces and other intelligence services including through training sessions on investigative procedures and law enforcement techniques in relation to the implementation of this Convention.

7. In order to promote transparency, the States Parties shall prepare an annual national report on requests for transfer authorizations and end-user certificates that have been accepted or denied by the competent national authorities.

8. The annual report of each State Party must include at a minimum, for each transfer authorization that has been denied or accepted, the following information:

(a) The type and number of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(b) The name and complete and up-to-date address of the applicant;

(c) The number and reasons for denial or acceptance of the transfer;

(d) The measures taken to respect the relevant provisions of this Convention, including the enacting of specific laws.

9. The States Parties shall submit their annual report on transfers to the United Nations Register of Conventional Arms and to the subregional electronic database on small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, maintained by ECCAS.

10. The States Parties stipulate that requests for assistance in tracing small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, shall contain detailed information, including, inter alia:

(a) Information describing the illicit nature of the small arm or light weapon, including the legal justification therefor and the circumstances under which the weapon in question was found;

(b) Detailed identification of the weapon, including the markings, type, calibre, serial number, country of import or manufacture and other relevant information;

(c) Intended use of the information requested;

(d) A specific listing of the information to be provided by the State receiving the tracing request.

11. The State Party receiving the tracing request shall acknowledge receipt of this request within one month and shall duly examine it. It shall respond formally to the request made by the other State within a maximum period of three months from the date of receipt.

12. In responding to a tracing request, the requested State Party shall provide the requesting State with all available and relevant information.

13. The States Parties shall record in their respective national databases and shall exchange information on industrial and home-based manufacturers of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

CHAPTER VII: HARMONIZATION OF NATIONAL LEGISLATION

Article 25: Adoption and harmonization of legislative provisions

1. The States Parties undertake to revise, update and harmonize their respective national legislation to bring it in line with the relevant provisions of this Convention.

2. The States Parties shall adopt legislative and regulatory measures at the domestic level to penalize the following practices:

(a) Illicit trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(b) The illicit manufacture of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(c) The illicit possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly;

(d) The falsification or obliteration, illicit removal or alteration of the markings of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly, as required by the present Convention;

(e) Any other activity carried out in violation of the provisions of this Convention;

(f) Any activity carried out in violation of an embargo on small arms and light weapons imposed by the United Nations, the African Union, ECCAS or any other relevant organization.

3. . The States Parties stipulate that the Secretary-General of ECCAS shall prepare within a reasonable time, a guide for the harmonization of legislative provisions.

Article 26: Campaign against corruption and other forms of criminality

The States Parties shall adopt appropriate measures to establish or strengthen cooperation between the administrative departments concerned and the security forces in order to prevent and combat corruption, money-laundering, terrorism and drug trafficking associated with the illicit manufacturing of, trafficking in, trade, possession and use of small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

CHAPTER VIII: INSTITUTIONAL ARRANGEMENTS AND IMPLEMENTATION

Article 27: National focal points

Each State Party shall appoint a national focal point on small arms and light weapons who shall also serve as the permanent secretary or chairperson of its national commission. The national focal points shall be the first points of contact for, inter alia, the facilitation of exchanges with the internal and external partners of the States Parties.

Article 28: National commissions

1. Each State Party shall establish a national commission to serve as a coordinating body for the action taken by the State to combat illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The national commissions shall be established in accordance with existing international standards.

3. The States Parties undertake, on the basis of their annual budgets, to provide the national commissions with adequate human, material and financial resources in order to ensure that they function effectively and efficiently. They shall create a specific budget line allocated to the national commissions.

4. The States Parties stipulate that the Secretary-General of ECCAS shall support the strengthening of the financial, technical, institutional and operational capacities of the national commissions.

Article 29: The Secretary-General of ECCAS

1. The States Parties stipulate that the Secretary-General of ECCAS shall ensure the follow-up and coordination of all the activities carried out at the subregional level for the purposes of combating illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

2. The States Parties shall take the necessary measures to provide the secretariat of ECCAS with institutional and operational capacities commensurate with its responsibilities in the implementation of this Convention.

3. The States Parties stipulate that the tasks of the Secretary-General of ECCAS shall include the responsibility of:

(a) Facilitating and encouraging the establishment of a network of civil-society organizations;

(b) Mobilizing the necessary resources for the implementation of this Convention;

(c) Providing financial and technical support to public authorities and non-governmental organizations;

(d) Preparing an annual report and ensuring follow-up and appraisal of the implementation of this Convention.

Article 30: National action plans

1. The States Parties undertake to prepare national action plans on small arms and light weapons, which shall be implemented by the national commissions. The national action plans shall be prepared using a data collection process involving all relevant national stakeholders, including civil society organizations, particularly associations of women and youth, who are considered to be the most vulnerable to the dangers posed by small arms and light weapons.

2. The national action plans shall take due account of the findings of studies on the impact of small arms and light weapons on populations and States which the relevant authorities carry out in each State Party.

Article 31: Subregional action plan

1. The Secretary-General of ECCAS shall prepare an action plan describing all the measures and actions to be taken at the subregional level in order to ensure the implementation of this Convention.

2. The subregional action plan must also lay out the strategy to be carried out by the Secretary-General of ECCAS to promote the signing and ratification of this Convention by the States, as well as its entry into force.

Article 32: Financial support

The States Parties undertake to contribute financially towards the implementation of this Convention. They also undertake to support the establishment, by the Secretary-General of ECCAS, of a group of experts responsible for follow-up and appraisal of the implementation of activities.

Article 33: Assistance and cooperation

1. The States Parties undertake to promote cooperation among States and among various competent government bodies in the implementation of this Convention.

2. The States Parties request the Secretary-General of ECCAS to provide them all necessary assistance to enable them to benefit from the multifaceted support of technical and financial partners, particularly as regards capacity-building for the armed and security forces, the border-control services and all other services involved in combating illicit trade and trafficking in small arms and light weapons, their ammunition and all parts and components that can be used for their manufacture, repair and assembly.

Article 34: Follow-up and appraisal

1. The group of experts may seek any information it deems useful to its work in relation to the States Parties and, in particular, from other States Members of the United Nations, the States participating in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, the European Union and any arms manufacturer or supplier.

2. Each State Party shall prepare and submit an annual report to the Secretary-General of ECCAS on its activities to implement this Convention.

3. The Secretary-General of the United Nations shall convene a Conference of States Parties to this Convention one year after its entry into force.

4. The first Conference of States Parties shall be responsible for reviewing the implementation of this Convention and may have additional mandates in accordance with decisions taken by the States Parties. The subsequent conferences of States Parties shall be held once every two years, beginning two years from the date of the first conference, in order to review the state of implementation of this Convention.

5. Five years after the entry into force of this Convention, the Secretary-General of the United Nations shall convene a review conference. The Secretary-General shall also convene other review conferences at the request of one or more States Parties.

6. The items to be considered during the review conferences shall be considered and adopted within the framework of the United Nations Standing Advisory Committee on Security Questions in Central Africa. The review conferences shall, at a minimum, consider the state of implementation of this Convention.

CHAPTER IX: GENERAL AND FINAL PROVISIONS

Article 35: Signature, ratification, acceptance, approval and accession

1. This Convention, adopted in Kinshasa on 30 April 2010, shall be open for signature to all the States members of ECCAS and by the Republic of Rwanda, States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa, at [xxx] on [xxx], and subsequently at United Nations Headquarters in New York, until its entry into force.

2. Instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations.

3. Any other interested State, other than those specified in article 35, paragraph 1, may accede to this Convention, subject to the approval of the Conference of States Parties.

Article 36: Entry into force

1. This Convention shall enter into force 30 days after the date of deposit of the sixth instrument of ratification, acceptance, approval or accession.

2. For each State that deposits its instrument of ratification, acceptance, approval or accession after the date of deposit of the sixth instrument of ratification,

acceptance, approval or accession, the Convention shall enter into force 30 days after the date of deposit of that instrument.

Article 37: Amendments

1. Any State Party may propose amendments to this Convention at any time after its entry into force.

2. Any proposed amendment shall be transmitted to the Secretary-General of the United Nations, who shall circulate it to all of the States Parties at least 90 days before the opening of the Conference of States Parties.

3. Amendments shall be adopted by consensus at the Conference of States Parties.

4. For the parties that have accepted amendments, they shall enter into force 30 days after the deposit of the sixth instrument of acceptance of the amendment with the depositary. Subsequently, they shall enter into force for a party 30 days after the deposit of that party's instrument of acceptance of the amendment with the depositary.

Article 38: Reservations

The articles of this Convention shall not be subject to reservations.

Article 39: Denunciation and withdrawal

1. Any State Party, in the exercise of its national sovereignty, shall have the right to withdraw from this Convention.

2. Such withdrawal shall be effected by a State Party by means of written notification, including a statement of the extraordinary events that jeopardized its supreme interests, addressed to the Secretary-General of the United Nations in his or her capacity as depositary, who shall then convey it to the other States Parties.

3. Withdrawal shall not take effect until 12 months after the depositary receives the withdrawal instrument.

4. Withdrawal shall not release the State Party concerned from the obligations imposed on it by the Convention with regard to any violation that occurred before the date when the denunciation took effect, nor shall it hinder in any way the continued consideration of any matter concerning the interpretation or application of this Convention.

Article 40: Depositary and languages

1. The Secretary-General of the United Nations shall be the depositary of this Convention.

2. The original of this Convention, of which the English, French and Spanish texts are equally authentic, shall be deposited with the depositary, who shall have certified official copies sent to all the States.

Article 41: Special provisions

1. The commitments resulting from the provisions of this Convention shall not be interpreted as contradicting the letter or the spirit of conventions or agreements between a State Party and a third State provided that such conventions or agreements do not contradict the letter or spirit of this Convention.

2. In the event of any dispute between two or more States Parties concerning the interpretation or application of this Convention, the States Parties in question shall consult each other with a view to settling the dispute quickly through negotiation or by any other peaceful means of their choosing, including recourse to the good offices of the Secretary-General of ECCAS, the Secretary-General of the United Nations or an extraordinary Conference of States Parties.

IN WITNESS WHEREOF, we, the Heads of State and Government of the States members of Economic Community of Central African States and the Republic of Rwanda, States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa

Have signed this Convention in three (3) original copies in the English, Spanish and French languages, all three texts being equally authentic.

DONE at Kinshasa on 30 April 2010

The Republic of Angola

The Republic of Burundi

The Republic of Cameroon

The Central African Republic

The Republic of Chad

The Democratic Republic of the Congo

The Republic of the Congo

The Republic of Equatorial Guinea

The Gabonese Republic

The Republic of Rwanda

The Democratic Republic of Sao Tomé and Principe

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Agenda item 129
Programme budget for the biennium 2010-2011

Overseas property management and construction projects in progress, and revised estimates relating to the programme budget for the biennium 2010-2011 under section 20, Economic and social development in Latin America and the Caribbean, related to the relocation of the subregional headquarters in Mexico

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the reports of the Secretary-General on overseas property management and construction projects in progress (A/65/351) and on revised estimates relating to the programme budget for the biennium 2010-2011 under section 20, Economic and social development in Latin America and the Caribbean, related to the proposed relocation of the Economic Commission for Latin America and the Caribbean (ECLAC) subregional headquarters in Mexico (A/65/385).

2. During its consideration of the reports, the Advisory Committee met with representatives of the Secretary-General, who provided additional information and clarification.

3. The report on property management was submitted pursuant to General Assembly resolution 63/263 (sect. I), in which the Assembly endorsed the recommendation of the Advisory Committee on Administrative and Budgetary Questions that the Secretary-General submit annual progress reports for all ongoing construction projects. The report on the relocation of the subregional headquarters was submitted following a number of security studies and risk assessments conducted by the Security and Safety Section of ECLAC and the Department of Safety and Security of the Secretariat. The findings indicate that the current location of the ECLAC subregional headquarters in Mexico places United Nations staff at high risk in the event of malicious acts or natural disasters and have led to the

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recommendation that the United Nations offices be moved to a location that is in compliance with minimum operating security standards.

II. Overseas property management and construction projects in progress

4. The Advisory Committee notes that the Secretary-General's report on overseas property management and construction projects (A/65/351) provides an update of the progress made in enhancing the role of Headquarters in coordinating and supporting overseas property management and construction projects and progress reports on the construction of additional office facilities at the Economic Commission for Africa (ECA) in Addis Ababa and at the United Nations Office at Nairobi.

Management of United Nations overseas properties

5. In paragraphs 1 to 19 of the report, the Secretary-General describes the additional responsibilities assumed by the Office of Central Support Services relating to facilities management at offices away from Headquarters and overseas construction projects since the issuance of the addendum to the proposed programme budget on overseas property management (A/64/6 (Sect. 28D)/Add.1) and the approval by the General Assembly in its resolution 64/243 of additional resources in the context of the programme budget for 2010-2011. In this connection, the Advisory Committee recalls that two additional posts (1 P-5 and 1 P-2) were provided to support the overall management of overseas properties. The Committee was informed that the Associate Overseas Property Officer (P-2) was on board and that recruitment was being finalized for the Senior Overseas Property Officer (P-5) (see also para. 14 below).

6. As indicated in the report, the Office of Central Support Services supports the Inter-Agency Network of Facilities Managers of the United Nations Secretariat, agencies, funds and programmes through a mechanism of annual conferences and the maintenance of its website. It also provides support to senior facilities managers from offices away from Headquarters through quarterly videoconferences, as well as an annual conference initiated in 2010. Moreover, the Office continues to support and monitor the ongoing construction of new office facilities at ECA and the United Nations Office at Nairobi and provides guidance and advice regarding the strategic heritage plan at the United Nations Office at Geneva, a forthcoming proposal for new common premises at the Economic and Social Commission for Western Asia (ESCWA) and the recovery and rehabilitation of the premises at ECLAC following the earthquake in February 2010. The Advisory Committee notes that consultations are ongoing with the Government of Lebanon on the new common premises at ESCWA and that a related report would be finalized for submission at the sixty-fifth session of the General Assembly.

7. The Advisory Committee notes that the first annual conference of facilities managers of offices away from Headquarters, held in March 2010, focused on management concerns related to overseas properties, in particular the 20-year strategic capital review of overseas properties, funding methodologies for long-term maintenance and capital improvements necessary to prevent the deterioration of

United Nations facilities and avoid large and costly major maintenance requirements in future.

8. The Advisory Committee recalls that the strategic capital review of facilities at all offices away from Headquarters was launched in May 2009 to address concerns related to global facilities management, to establish an Organization-wide perspective on needs and priorities in relation to the development of new facilities and major maintenance of existing facilities and to ensure adequate support for duty stations involved in such work. An initial information-gathering process was initiated to form the basis of a 20-year strategic capital plan.

9. In his report, the Secretary-General indicated that, following the sharing and review of data collected, it had become clear that professional guidance and support were required to accurately forecast the requirements for global facilities maintenance and new construction over the next 20 years. Additional financial resources would therefore be needed to cover consultancy services to technically support the efforts of the Overseas Property Management Unit of the Office of Central Support Services in establishing a framework and methodology for conducting the review. The overall intended objective of the consultancy services is stated in paragraph 8 of the report.

10. **The Advisory Committee points out that the report of the Secretary-General mostly outlines actions taken or processes followed with regard to the management of United Nations properties but omits information that could provide a better idea of the scope and scale of properties owned and managed or lessons learned so far in that regard.** Upon enquiry, the Committee was informed by the representatives of the Secretary-General that, although there had been excellent cooperation from offices away from Headquarters during the data collection period, it had become evident, as attempts were made to consolidate the information collected, that the responses revealed inconsistent data and missing elements. For example, some offices included projects already contained in the programme budget for 2010-2011 while others did not; some offices provided all-inclusive estimated construction costs while others omitted pre-planning requirements; future project construction costs varied considerably and were not always based on local construction industry standards; and future escalation was not always taken into account nor were major maintenance life-cycle costs for building projects that were under construction consistently identified. It was also indicated to the Committee that this did not allow for a consistent correlation between the requirements summarized and the value of the facilities maintained, as would be expected in accordance with industry standards. It is for those reasons that the Secretary-General indicated that expert consultancy services were required to properly undertake the review and to establish the framework and methodology, which would allow for accurate forecasting of future global facilities maintenance and new construction requirements.

11. The Advisory Committee was further informed that, taking into account the problems encountered, a two-tiered approach was proposed to achieve the strategic capital review. In order to develop the overall framework and methodology, the proposed consultant would carry out the following tasks:

(a) Organize and establish a consistent framework and methodology for a high-level assessment of the major maintenance and new construction requirements at all offices away from Headquarters;

(b) Provide detailed clarifications on an item-by-item basis of what components and elements should be included in the study, clearly defining the scope of each element and the methodology that should be applied to developing requirements;

(c) Review existing data, conditions and background information provided by the offices away from Headquarters and assess United Nations facilities in relation to organizational goals and standards regarding health, safety, security, energy efficiency and accessibility;

(d) Establish guidelines for reporting projected organizational growth at each office away from Headquarters on the basis of historic trends and organizational goals and align future space requirements with those goals and growth projections;

(e) Provide guidance to local experts on proposed future construction and renovation project budgeting and on how the requirements for those projects should be reported and develop a centralized project management tool to assist the United Nations in monitoring future capital projects;

(f) Identify a method or model for prioritizing proposed projects aligned with budget cycles and funding availability, taking account of the impact on the capital value of each facility;

(g) Coordinate the preparation of a global programme for capital improvements projected over the next 20 years.

12. Local technical expertise, to be engaged to provide support to the local facilities management team, would carry out the following tasks:

(a) Complete an in-depth inspection and physical assessment of the condition of the buildings and their technical infrastructure;

(b) Identify the existing and future operational plans carried out on the compound;

(c) Propose architectural and engineering life-cycle solutions, taking into consideration new technologies, local organizational goals and continuity of operations;

(d) Carry out a cost-benefit analysis for each architectural and engineering life-cycle solution proposed and provide the overall magnitude of cost of any future construction and renovation projects;

(e) Elaborate any next steps needed, including all resource requirements.

13. **The Advisory Committee emphasizes the importance of better projection of mid-term and longer-term Organization-wide needs, as well as financial requirements for the maintenance of existing facilities and new construction projects, in order to enable an adequate overview and a long-term perspective. In this context, the Committee also stresses the central leadership and support role of the Office of Central Support Services in ensuring efficient planning and budgeting for United Nations properties and their effective overall management (see A/64/7/Add.11, para. 5). The Committee therefore urges the Secretary-General to conclude the review expeditiously and expects that, drawing upon the review, he would be in a position to develop a comprehensive approach to facilities management. The purpose of the 20-year global strategic plan should**

be to facilitate better management of United Nations facilities rather than add unwieldy bureaucratic rigidity.

14. **The Advisory Committee also underlines the responsibility and role of the Senior Overseas Property Officer (P-5), which is currently in the process of recruitment (see also para. 5 above), in providing guidance, leadership and advice in this regard. It also emphasizes the importance of drawing upon lessons learned and expertise accumulated during the course of the planning and implementation of the capital master plan at Headquarters. While the Committee does not object to the need for specific expertise that is not available in-house, it requests that future proposals for external expertise take fully into account existing capacity and that specific gaps that consultancy services are intended to fill be adequately explained.**

15. The Secretary-General indicated that the Office of Central Support Services was developing guidelines to assist offices away from Headquarters in connection with construction projects, addressing all aspects of project implementation, which would complement the outcome of the strategic capital review (see A/65/351, paras. 16-18). **The Advisory Committee stresses the importance of completing this task expeditiously.** The Office is also exploring funding mechanisms to address long-term facilities maintenance requirements. In addition to considering on-call service contracts at each office away from Headquarters whereby local professional technical services could be enlisted to review project programmes, construction costs and resource needs to aid in assessing overall costs and schedules, the Office is holding consultations with the aim of developing a long-term funding methodology to cover the costs of facilities maintenance. The Committee was informed that this would encompass not only overseas offices but also Headquarters, and that it would ensure consistency with the implementation of the International Public Sector Accounting Standards, while taking into consideration different sources of funding. **The Committee welcomes the initiative and expects that further information will be provided in the context of future annual reports.**

Progress in the construction of additional office facilities at the Economic Commission for Africa in Addis Ababa

16. Information on progress in the construction of additional office facilities at ECA is contained in paragraphs 21 to 38 of the report. The Advisory Committee notes that construction commenced two months later than previously envisaged (see A/64/486). Completion of the project is now scheduled for February 2012, followed by interior set-up of up to six months, the cost of which will be borne by the occupants depending on their individual requirements (A/65/351, paras. 35 and 36). The delay in starting construction resulted from the longer time required to negotiate agreements with the contractor in connection with the provision of three elevators and the addition of a seventh floor, which would have exceeded the project construction cost budget of $7,488,600 approved by the General Assembly (ibid., paras. 24-28).

17. As indicated in the report, those issues have been resolved through the exclusion of the two elements from the scope of the contract. The Advisory Committee was informed that ECA would instead separately cover the costs of the elevators from non-project resources and that the construction of the seventh floor would proceed, should the need arise and should funding be obtained. Furthermore,

several entities have expressed interest in obtaining office space and in providing funding, through advance rental payment, in order to enable the construction of the seventh floor to proceed, as provided in an option embedded in the contract which expires at the end of October 2010. **The Committee underlines the importance of avoiding delays in the completion of the construction project at ECA. The Committee was informed that, irrespective of who the ultimate tenants are, there would be no further budgetary requirement regarding construction costs.**

18. The Advisory Committee also notes, however, that, although construction is progressing well, completion within the specified time frame is contingent upon the consistent delivery of some 90 tons weekly of cement required by the contractor, the import of which is regulated by the host Government. **The Committee trusts that ECA will continue to work closely with host Government authorities to ensure that all issues related to the timely and predictable delivery of needed construction material are addressed proactively in order to avoid delays that could result in project cost escalation.**

19. In paragraph 33 of the report, the Secretary-General indicated that, while ECA had reviewed the possibility of implementing a parking fee policy as recommended by the Advisory Committee (see A/62/7/Add.11), implementation had been halted owing to emergency concerns that led to the closure of the parking space located under the Conference Centre in 2008. The Committee was informed that, in view of other ongoing projects dealing with security compliance, the policy had still not been implemented, but that as soon as enough parking areas had become available and construction had been finalized, ECA would be able to start to implement the policy. **The Committee trusts that this issue will be dealt with in an appropriate and timely manner.**

20. The Advisory Committee notes that the total cost estimate for the project, following the contract negotiations mentioned in paragraphs 16 and 17 above, remains at $14,333,100, including a 10 per cent contingency amount against possible overruns owing to external factors. A breakdown of the costs is provided in annex I to the report of the Secretary-General.

Progress in the construction of additional office facilities at the United Nations Office at Nairobi

21. The Advisory Committee recalls that the construction contract for the additional office facilities at the United Nations Office at Nairobi was signed on 3 April 2009 and that construction began on 4 May 2009. The Secretary-General indicated in the report that the project was on schedule and due to be completed by December 2010, with the partition component slightly ahead of schedule; interior set-up was planned for the first half of 2011 and full occupancy was expected by mid-2011.

22. The cost estimates of the project are summarized in paragraphs 42 to 45 and a detailed breakdown, including cash flow requirements, is provided in annex II to the report. The Advisory Committee notes that, while the cost remains at the level of $25,252,200 approved by the General Assembly in its resolution 63/263, various items have been revised to reflect changes made as the construction has progressed. The variances, described in paragraph 43, include the following:

(a) Revised projected construction costs of $19,980,000, reflecting an increase of $1,048,507 owing to fluctuations in the exchange rates;

(b) Security requirements now estimated at $56,647, reflecting a decrease of $1,062,553 owing to the use of existing vacancies to accommodate most of the security needs; and

(c) A revised contingency provision of $1,652,353, reflecting an increase of $14,046, the net result of the underexpenditure for security offset by the increased requirements for construction costs.

23. In addition, cash flow funding requirements in 2010 have increased by $2,017,062, owing to the acceleration of payments in line with the accelerated progress in construction. The Advisory Committee notes that the cash flow gap is proposed to be funded from the unearmarked cumulative surplus of $2,254,845 under the construction-in-progress account, resulting from savings of previous construction projects and interest income accrued, to be replenished once the new rental income of $4.6 million expected is received in mid-2011.

24. **The Advisory Committee welcomes the progress achieved to date, which should ensure the timely completion of the construction project at the United Nations Office at Nairobi. The Committee expects that lessons learned will be utilized in undertaking other ongoing and future construction projects of the Organization.**

Conclusion

25. **Taking into account its comments and recommendations in paragraphs 5 to 24 above, the Advisory Committee recommends that the General Assembly take note of the Secretary-General's report on overseas property management and construction projects in progress (A/65/351).**

III. Revised estimates relating to the programme budget for the biennium 2010-2011 under section 20, Economic and social development in Latin America and the Caribbean relating to the relocation of the subregional headquarters in Mexico

26. As indicated in the report of the Secretary-General (A/65/385), the subregional headquarters of ECLAC in Mexico City has been housed in a rented 17-story office building, referred to as the Masaryk Building, since 1974. Total rented space averaged 5,000 square metres, shared with various United Nations agencies, funds and programmes listed in paragraph 2 of the report. ECLAC, as the lead agency in Mexico City, administered the common services. Upon enquiry, the Committee was informed that United Nations common system staff in Mexico City totalled 531 (89 ECLAC staff and 442 staff of other agencies, funds and programmes).

27. The Advisory Committee notes, however, that, following a number of security and risk assessments, and considering the seismic and volcanic activity in the region, structural weaknesses of the office building, safety and security considerations, such as the presence of an underground parking garage, a restaurant and other public amenities and limited evacuation routes, it was determined that the current ECLAC subregional headquarters premises did not meet the minimum

operating security standards of the United Nations (ibid., paras. 2-10). It is therefore recommended that the United Nations offices be relocated to a location that is in compliance with those standards.

28. The Advisory Committee notes that ECLAC, in coordination with the United Nations country team, started the process to identify a property for relocation in 2008 and that, by early 2010, some 33 buildings had been evaluated (ibid., paras. 11-13). The Committee was informed that a few months ago, some offices, funds and programmes had moved out to another building (ibid., para. 15), and, furthermore that there was no space available for occupancy by ECLAC in that building. The current lease of the Masaryk Building is due to expire at the end of March 2011. The Secretary-General therefore considers that it is now of utmost importance to reassess the current situation and address the need to relocate the subregional office to new and secure premises (ibid., para. 14). One of the buildings evaluated has become available, which meets the space, location and security requirements and is in an acceptable price range; it would be further reviewed if financing is approved.

29. The Advisory Committee notes that the space requirements of ECLAC subregional office are estimated at 1,850 square metres, compared to the current 2,400 square metres currently rented. The reduction in space is due to the reconfiguration of the requirements, in accordance with the new space guidelines, as shown in tables 1 and 2 of the report. It is also indicated that the project would take approximately seven months from the time of contract negotiation to relocation. The total cost of relocating the ECLAC subregional headquarters is estimated at $1,758,800. The Committee notes that, in Mexico, it is customary for the landlord to offer a grace period of three to four months for the payment of rent.

30. The estimated resource requirements for the relocation, which are detailed in paragraph 20 and summarized in table 3 of the report, include the following:

(a) $40,000 for travel of staff to inspect and ensure compliance with regard to facilities, information technology, security and procurement;

(b) $92,500 for contractual services to cover moving costs and fees of two consultants with technical expertise to oversee and manage the project;

(c) $630,100 for the procurement of furniture and equipment;

(d) $996,200 for construction, alteration and management costs.

31. The Secretary-General is therefore seeking authorization from the General Assembly to relocate the ECLAC subregional headquarters in Mexico to a secure location in compliance with minimum operating security standards and to enter into commitments in the amount of $1,758,800 under the programme budget for 2010-2011 under section 20, Economic and social development in Latin America and the Caribbean (ibid., para. 22).

32. The Advisory Committee notes the statement in paragraph 19 of the Secretary-General's report regarding efforts made so far to solicit assistance from the host Government. Upon enquiry, the Committee was provided with information on the type of support provided to other United Nations entities in relation to premises. **The Committee trusts that the Secretary-General will continue dialogue with the host Government in order to facilitate, as much as possible, the relocation of the subregional office in a timely manner. Furthermore, in the light of**

lessons learned (see para. 28 above), the Committee encourages the Secretary-General, in future and wherever possible, to seek to co-locate United Nations offices in order to achieve economies of scale and optimize the sharing of security and other arrangements.

33. As indicated to the Advisory Committee, the request for commitment authority takes into consideration the uncertainty regarding the process of identifying a suitable building that meets the minimum operating security standards, as well as the time needed to negotiate suitable rental terms, including offers such as the three-month grace period (see para. 29 above) or contributions towards alteration costs, before the contract can be concluded and signed. When these elements become known and expenditure is incurred, the additional resources, if required, would be reported in the context of the second performance report.

34. **The Advisory Committee recommends that the General Assembly authorize the Secretary-General to enter into commitments in an amount up to $1,758,800 under section 20, Economic and social development in Latin America and the Caribbean, of the programme budget for the biennium 2010-2011. Actual expenditure should be reported in the context of the second performance report for the biennium.**